

3967

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA, : 19-CR-286(AMD)

Plaintiff, :

-against- : United States Courthouse
Brooklyn, New York

ROBERT SYLVESTER KELLY, :

Defendant. : September 20, 2021
9:30 o'clock a.m.

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TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE ANN M. DONNELLY
UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

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Acting United States Attorney
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produced by computer-aided transcription.

PROCEEDINGS

3968

1 (In open court - jury not present.)

2 THE COURTROOM DEPUTY: All rise.

3 THE COURT: Just before we get started, I received a
4 flurry of communications over the weekend. I know that
5 defense still wants to respond to the one about Mr. Smith.

6 I'm not entirely sure I understand the application.
7 He testified. Did you confront him or show him that portion
8 of the --

9 MS. CRUZ MELENDEZ: Yes, your Honor.

10 THE COURT: You're just seeking to admit it now.

11 MS. CRUZ MELENDEZ: Yes.

12 THE COURT: I'll give the defense an opportunity to
13 respond to that.

14 I think with respect to the charge there seems to be
15 a substantial amount of agreement based on what Mr. Scholar
16 submitted. I think the Government's submission adopted some
17 of them.

18 I think one of them, the difference of opinion
19 really had to do with the fact that the statute was -- the
20 Government is relying on a statute that existed at the time of
21 the Indictment and it's been amended since then. Do I have
22 that right?

23 MS. SHIHATA: Yes, the statute was in effect at the
24 time of the charged conduct.

25 THE COURT: Some of the things came in later than

PROCEEDINGS

3969

1 others, and but I think there is a fair amount of agreement on
2 all that, but we can talk about that later.

3 I'm not entirely sure I understood your letter,
4 Mr. Scholar. I know we're going to finish with this witness
5 today. Is the defense going to have any witnesses today?

6 MR. SCHOLAR: Yes, Judge. We should be able to get
7 into the mid to late afternoon today.

8 THE COURT: That's fine.

9 MR. SCHOLAR: We may have witnesses through
10 Wednesday based on the travel, securing travel for them.
11 That's what I meant by the letter, the finances.

12 THE COURT: I wasn't sure if that meant there would
13 be nobody or -- okay, good to know.

14 Anything else before we bring the witness in?

15 MS. GEDDES: Yes, a couple of things.

16 With respect to the defense witnesses. Your Honor
17 had ordered the defense to, directed the defense, to provide
18 us a list of witnesses by midnight on Friday, which we got
19 shortly after midnight. Then last night about 10:00 p.m., my
20 timing might be slightly off, the defense told us that they
21 weren't calling any of those witnesses today; and in fact,
22 added three new witnesses that we had never heard about. We
23 have no 3500, 26.2 material for any of these witnesses.

24 And so we would just ask that the Court direct the
25 defense to provide these names with some actual notice to us

PROCEEDINGS

3970

1 so that we can be prepared for cross-examination.

2 THE COURT: Are they testifying today?

3 MR. SCHOLAR: Yes, Judge, they are.

4 THE COURT: Who are they?

5 MR. SCHOLAR: It's Dhanai Ramnaran.

6 THE COURT: Dhanai Ramnaran?

7 MR. SCHOLAR: Yes.

8 THE COURT: Who is that?

9 MR. SCHOLAR: A person that was working with
10 Mr. Kelly front a musical project.

11 THE COURT: What does he have to say?

12 MR. SCHOLAR: He was present at the studios and
13 Olympia Fields house from about mid-2000s to 2019. He was
14 there on a daily basis.

15 THE COURT: And what's he going to say?

16 MR. SCHOLAR: He was there on a daily basis, he
17 observe Mr. Kelly, he observed the girlfriends, and he didn't
18 see anything that was described here at trial.

19 THE COURT: Okay. Then who else?

20 MR. SCHOLAR: Keyonia Jones, who is a friend of
21 Jerhonda Pace. The Government spoke to her in 2019.

22 THE COURT: Who is the third?

23 MR. SCHOLAR: Larry Hood is a security officer for
24 Mr. Kelly. He also was present from about 1991 until about
25 the mid-90s. He came back as a security officer from 2002 to

PROCEEDINGS

3971

1 2004.

2 THE COURT: Okay.

3 MR. SCHOLAR: I provided dates of birth for all of
4 the witnesses to the Government yesterday about 7:00 o'clock.

5 THE COURT: I don't know why you couldn't have done
6 that sooner. I mean it's Sunday night, that's not ideal. It
7 seems to me that up to now that the Government has been pretty
8 good about giving you notice of who is testifying and all of
9 that, I think even provided extra copies of the discovery. So
10 it really would disappoints me that you waited so long to tell
11 them.

12 What about any material that to turn over to them in
13 connection with those witnesses?

14 MR. SCHOLAR: We don't have any materials.

15 THE COURT: You have none. No notes, nothing.

16 MR. SCHOLAR: Nothing, Judge.

17 THE COURT: So those three witnesses you think we
18 might get to today.

19 MR. SCHOLAR: Yes.

20 THE COURT: Who are the other witnesses?

21 MR. SCHOLAR: Judge, we may call one of the
22 Perrymans. There are two, Jen and Lindsay. They were both
23 placed on the list provided to them Friday night.

24 Then there is the investigator that's been working
25 for us, Shawn Harris, who is also on the list.

PROCEEDINGS

3972

1 And we may be calling an accountant that worked for
2 Mr. Kelly, but we don't have that information presently.
3 We're still working out details with that person and travel.
4 We're not sure if he or she will be the witness.

5 THE COURT: What is the relevance of that?

6 MR. SCHOLAR: The relevance would be that there were
7 significant sums of money that the girlfriends used on their
8 own without Mr. Kelly's pre-knowledge, before-knowledge. And
9 they were able to do that without him saying that the money
10 was okay, he didn't pre-authorize that money.

11 MS. GEDDES: Who is the accountant?

12 MR. SCHOLAR: Right now we're speaking to Joan
13 Sullivan, that's somebody that the Government knows about.

14 THE COURT: The testimony is that they had access to
15 all this money in what form, like a bank accounts?

16 MR. SCHOLAR: Bank accounts, Uber and Lyft accounts,
17 different bank cards, things like that.

18 THE COURT: Is that it? Is there anybody else?

19 MR. SCHOLAR: That's it for right now.

20 I have to speak to our investigator to see if there
21 is anybody else who would agree to come, again, because of the
22 travel they have. We are reaching out to different people
23 based on to speaking to these witnesses, they provided us with
24 other names and we're following up on those. If we can get
25 them to the courthouse and pay for their lodging, we will

PROCEEDINGS

3973

1 definitely give their names over to the Government.

2 THE COURT: Is there some reason you can't do that
3 any way, that you couldn't just tell them who these people
4 might be? Is there some reason why you couldn't? I think
5 it's probably good even if you give these as potential names
6 so we don't lose any more time.

7 MR. SCHOLAR: I'll check with our investigator and
8 provide that to them sometime today.

9 THE COURT: Great. The other thing we should
10 discuss, we don't have to discuss now, has to do with in what
11 form the evidence about the videos is going to take.

12 Upon reflection, the transcripts aren't going to go
13 back to the jury I don't think. They are not evidence. They
14 are an aid. So I don't know that that's the form that that
15 evidence can go to media who are interested in it. I think
16 the thing to do is redact the various, redact the audio and
17 then that can be played, how ever you seek to do it. But I
18 think that's probably the way to go.

19 The least problematical of those, in terms of
20 protecting people's privacy, is the one that is just an audio
21 tape at the end. Then there are the other ones as well.

22 I think that's the way to go on that, is to do that
23 just audio-wise.

24 MS. GEDDES: I think that makes sense, what your
25 Honor proposes. We would just ask, of course, that the tapes

PROCEEDINGS

3974

1 not actually be released because they do contain the voices,
2 but that we could just set up a time for individuals to listen
3 to just the audio portion and redact any names.

4 THE COURT: The redaction that we discussed in the
5 sealed part as well.

6 MR. SCHOLAR: With respect to the video, so no
7 videos are being displayed for --

8 THE COURT: No. They can't be displayed. Then you
9 can make those arrangements. I consider that settled.

10 MS. CRUZ MELENDEZ: Just to clarify. With respect
11 to the Government's intention to offer Mr. Smith's Grand Jury
12 testimony, subject to your Honor's ruling, is the Government
13 going to rest subject to --

14 THE COURT: Yes, I think that's what Mr. Scholar
15 proposed in his letter because he wanted a chance to respond
16 to it. He was so busy making flight arrangements. So once
17 you respond, I'll make a ruling, and the defense is not going
18 to object. You're resting subject to that particular piece of
19 evidence going in.

20 MS. GEDDES: I think that we would want to just
21 offer it, and I think you would make a ruling after we rest.

22 THE COURT: Do you want to consider that it's
23 offered right now or do you -- are you offering it?

24 MS. GEDDES: Yes.

25 THE COURT: And you want a chance to respond,

PROCEEDINGS

3975

1 correct?

2 MR. SCHOLAR: Yes, your Honor.

3 THE COURT: So I'm going to reserve decision on
4 that. I know there is no objection by the defense if it
5 technically goes in after the Government has otherwise rested;
6 is that right, Mr. Scholar?

7 MR. SCHOLAR: That's correct.

8 MS. GEDDES: Just for the record, we're offering
9 Government 976, that's what it is marked as.

10 THE COURT: I'm still reserving decision. Anything
11 else? Let's get the witness then.

12 MS. SHIHATA: Judge, this does not need to happen
13 before the witness but I wanted to raise one issue regarding
14 Government 922A and B, which were these short clips from a
15 YouTube of Don Russell. I wanted to make an argument about
16 that, but I'm happy to do that after the witness.

17 THE COURT: I don't know if I mentioned this when we
18 first met, I generally don't go back and revisit things I
19 ruled on. I always like to look forward. So I'll hear you, I
20 guess, but it's not my favorite thing, I have to say.

21 Let's get the witness, please.

22 (Whereupon, the witness resumes the stand.)

23 (Jury enters the courtroom.)

24 THE COURTROOM DEPUTY: You may be seated.

25 THE COURT: Good morning, everybody. I hope you had

HUGHES-CROSS-CANNICK

3976

1 a good weekend. I'm sorry for the late start. There has been
2 a little traffic disturbance throughout the city. I think the
3 U.N. is here for the week.

4 We're ready to go now with the cross-examination of
5 the witness. Go ahead.

6 MR. CANNICK: Thank you, your Honor.

7 THE COURTROOM DEPUTY: The witness is reminded she's
8 still under oath.

9 **DAWN HUGHES,**

10 called as a witness, having been previously first duly
11 sworn/affirmed, was examined and testified as follows:

12 CROSS-EXAMINATION

13 BY MR. CANNICK:

14 Q Good morning.

15 A Good morning.

16 Q You testified and told us last week that you were
17 retained by the Government for your involvement in this case?

18 A That's correct.

19 Q You told us that you're being paid \$500 per hour?

20 A That's correct.

21 Q How many hours have you spent on the case thus far?

22 A I haven't tallied them up at this point when I'm in the
23 middle of the case, maybe ten hours.

24 Q Of those ten hours, how many hours have you spent
25 interviewing someone being referred to as Jane?

HUGHES-CROSS-CANNICK

3977

1 A I have not evaluated anybody in this case.

2 Q You've not evaluated anyone in this case.

3 A That's correct.

4 Q Have you made any observations of anyone in this case?

5 A I have not.

6 Q Have you read the transcripts of this case?

7 A I have not.

8 MR. CANNICK: I have nothing else.

9 THE COURT: Any redirect?

10 MS. GEDDES: No, your Honor.

11 THE COURT: Thank you so much.

12 (Continued on the next page.)

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Sidebar

3978

1 (Sidebar conference.)

2 MS. GEDDES: We still have a few tiny exhibits.

3 THE COURT: Okay. So after you're done, then I'll
4 send them out and you can make your -- or do you want to
5 reserve?

6 MR. SCHOLAR: We're going to reserve until we have
7 the final decision on the extra portion of the --

8 THE COURT: That's fine.

9 MS. GEDDES: No objection.

10 THE COURT: Then we'll go right into the defense
11 case then.

12 MS. GEDDES: Can we address 922A and B now? I
13 didn't realize it will be that short, that's the YouTube
14 videos. The reason is that it was my colleagues information
15 and I was the one up here and I didn't do it justice. I want
16 to give her an opportunity, if that's okay.

17 MR. CANNICK: While Mr. Scholar is handling that, I
18 can go and alert our folks that the defense case is getting
19 ready.

20 MR. SCHOLAR: I think you handled the videos, so
21 I'll go.

22 MR. CANNICK: What is 922A?

23 MS. GEDDES: The YouTube video.

24 MS. SHIHATA: I know you don't want to hear from me
25 but --

Sidebar

3979

1 THE COURT: I'm delighted to hear from you.

2 MS. SHIHATA: But your Honor it's our position --

3 THE COURT: Just remind me, in a slow way, Donnell
4 Russell is the person who's charged is actually charged with
5 tampering -- interstate stalking. And was he also the one
6 that sent text messages to the defendant?

7 MS. SHIHATA: No. So the text messages between
8 where the defendant says, the photos, in the text messages,
9 that ultimately end up being used in various locations is
10 between the defendant and Don Russell's mother, June Barrett,
11 who is also are part this conspiracy. And then after June
12 Barrett receives those items, they make their way into the
13 letter that is sent to Faith's lawyer.

14 In addition, they are sent by Don Russell using the
15 pseudonym Colon Dunn to Faith's mother Kelly.

16 THE COURT: Right.

17 MS. SHIHATA: In addition, after that Mr. Russell
18 creates the Surviving Lies Facebook page and uploads those
19 materials there as well.

20 Now the next step in that is what is at issue with
21 these Government exhibits, which is, he then also goes on a
22 YouTube live with a blogger. And just so we're clear, we're
23 only trying to admit, it's about two excerpts that last
24 probably a minute and a half total.

25 THE COURT: What does he say?

Sidebar

3980

1 MS. SHIHATA: During that portion that we want to
2 play, he literally carries out what he says he was going to
3 do, the text messages and the letter to the lawyer, and in the
4 text messages to Kelly which is publishing soon. He takes the
5 lawsuit, literally the lawsuit, he shows it and says, I do not
6 consent to the proceeding, all of that.

7 THE COURT: I remember that.

8 MS. SHIHATA: He takes the attachments, he displays
9 them. He makes numerous statements against penal interest,
10 plus statements in furtherance of both.

11 THE COURT: So he takes the pictures and shows them
12 on the video.

13 MS. SHIHATA: And displays them and says, this is
14 what we sent of course these pictures, I'm put them out there,
15 they are naked pictures all that stuff to prove, you know,
16 this came out of his phone, these are messages that she sent
17 to him that she sent to him. He's showing the same items sent
18 to the lawyer.

19 Then he also admits, well, that's my commentary on
20 the bottom.

21 As you might recall --

22 THE COURT: I remember.

23 MS. SHIHATA: He's talking, let's address Faith. He
24 basically is announcing, here is what I have, what I want to
25 do here today in this program. I'm going to pull them out and

Sidebar

3981

1 just show them. I don't know if you all can read this. Shows
2 this. This is the lawsuit. And then this date is important,
3 November 2018, which is by the way, when the letter was sent
4 to the lawyer as the U.S.P.S. records show.

5 Then the only other excerpt -- that's the second
6 one. The first one is simply an earlier part of the same
7 video where he says that he was a consultant for the
8 defendant.

9 And then again, announces what he's there to do.
10 When it comes down to the general public knowing about them
11 and who they are, the accusers, they are prone to breaking the
12 law and the people holding the stones are hiding their hands.
13 He effectuates.

14 You may recall, Judge, that not only that, in the
15 text that are entered into evidence between the defendant and
16 June Barrett, who is another co-conspirator in all of this,
17 she tells him in one of the texts about trying to, why don't
18 you throw Don, her son, some money. He's been doing all this
19 for you, including the Surviving Lies page.

20 There are text messages that show the defendant
21 never withdrew from this conspiracy. He kept seeing them. He
22 kept inviting her over to the house. These are clearly both
23 co-conspirator statements in furtherance of the conspiracy and
24 also as well as statements against penal interests that Don
25 Russell makes which are clearly relevant, clearly admissible.

Sidebar

3982

1 MR. CANNICK: This argument is the same argument
2 that the Government made when they initially proffered.

3 THE COURT: It actually isn't.

4 MR. CANNICK: When they initially proffered this
5 evidence. The Government is trying to get the Court to
6 accept --

7 THE COURT: Let me ask you this, they clearly relate
8 to the series of text messages that happened before, correct?
9 I mean -- they clearly relate to the texts and they relate to
10 this effort to shame people that have sued him.

11 MR. CANNICK: Your Honor, I think the point here
12 that the Government is not sharing with the Court is that
13 Mr. Kelly sent communications to these people that he was not
14 a part of any of this stuff, to not do anything of this
15 nature. There are text messages and communications that he
16 has. We now have to go through to find those, if you're going
17 to let this in.

18 He clearly disavowed this behavior. The Government
19 knows he disavowed it.

20 MS. SHIHATA: I'm not talking about the premiere,
21 what happened at the premiere. There is a text message where
22 he disavows that.

23 I could be wrong, but I'm not aware of a text
24 message disavowing this effort to expose photos of Faith. In
25 fact, you've got the text messages where he is the source of

Sidebar

3983

1 that material. So to the extent there is a disavowal, they
2 can argue that, but it is certainly relevant.

3 THE COURT: I will say that I did not understand --
4 I did not know that he's actually showing the pictures on the
5 YouTube video. I thought you were just offering the audio.

6 Over your objection, I'm going to permit that. If
7 there are text messages where he's withdrawing from it or
8 doesn't want any part of it, that's perfectly fine. But I
9 think this is a piece with the letters sent in connection with
10 the 'I disavow this lawsuit,' as well as the text messages
11 back and forth in which Mr. Kelly is the one who sends these
12 embarrassing pictures of Faith. So you have an exception to
13 that ruling. I'll permit that.

14 MR. CANNICK: Your Honor, we only ask that we be
15 given an opportunity. Because unfortunately, where we're at,
16 the resources that we have, this now is going to take another
17 Herculean effort.

18 MS. SHIHATA: One thing on the timing. The YouTube
19 video is from January 2020. There are no text messages from
20 his phone about the YouTube thing that he was withdrawing
21 because he was in custody at the time. There is nothing to
22 look through on the phone. It happened well after that phone
23 was seized.

24 THE COURT: We've got four lawyers, somebody can
25 certainly -- I'm serious -- somebody can certainly do that.

Sidebar

3984

1 There are certain tasks that any person can perform with a
2 reasonable degree of competency. I'm certain that you have
3 somebody that can do that. You've got four lawyers who are
4 admitted into practice.

5 MR. CANNICK: Yes, your Honor, but it's also -- I'm
6 certain it can be done and we can get it done -- it's just a
7 matter of how much time it's going to take us, given all the
8 other tasks.

9 THE COURT: Also, this is not a new part of this
10 piece of evidence which I'm permitting; it's similar to all of
11 the things that lead up to it. It starts with the planning of
12 retaliating against Faith for filing a lawsuit, it encompasses
13 that, the letter that was sent to the lawyer, and this is just
14 the last piece of. It's not some new thing that you have to
15 seek out. Presumably if there were text messages in which he
16 disavows, those would be equally applicable to everything that
17 came before. I understand your position.

18 MR. CANNICK: As I said, we'll find it. It's just
19 going to take us away from what we're trying to do in terms of
20 the defense case. We just ask the Court's indulgence.

21 THE COURT: I'll give you the indulgence. I'm sure
22 the Government, if there are text messages that relate to
23 this, you'll point counsel in the right direction.

24 MS. SHIHATA: Just for the record, these two
25 exhibits are 922A and 922B, which are excerpts.

Sidebar

3985

1 And then we would also -- we plan to do this through
2 the agent -- but we were also going to admit 933, which is
3 simply the screenshot of the beginning of the video which
4 shows the date.

5 THE COURT: Okay. Those are in evidence over the
6 defense's objection.

7 (End of sidebar conference.)

8 (Continued on the next page.)

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Proceedings

3986

1 (Continuing)

2 THE COURT: Okay. Does the Government have any
3 additional witnesses?

4 MS. GEDDES: We don't have any additional witnesses.
5 We do have some additional exhibits to admit.

6 THE COURT: Okay.

7 MS. GEDDES: The Government offers 407, 965-E, 830,
8 922-A and B, and 933, Government Exhibit 703, Government
9 Exhibit 1018, 831, and 832, and Government Exhibit 948-A. I
10 previously entered 948-B, and I didn't mean to enter B. That
11 is a business certified record. I meant to do 948-A.

12 THE COURT: Okay.

13 MS. GEDDES: I would ask to publish, a stipulation
14 and we would like to play the videos in 922-A and B for the
15 jury only.

16 THE COURT: Okay.

17 (Government's Exhibits 407, 965-E, 830, 922-A,
18 922-B, 933, 703, 1018, 831, 832, and 948-A received in
19 evidence.)

20 MS. GEDDES: I'm publishing Government Exhibit 1018,
21 which is a stipulation in evidence which provides that records
22 from Florida Virtual School where the individual who testified
23 as Jane attended her senior year of high school showed that
24 Jane completed all of her classes on or before April 29th of
25 2016.

Proceedings

3987

1 And then I'd like to publish Government Exhibit 933,
2 which is a screen shot from a YouTube video that we are going
3 to play two excerpts of, which have been identified in
4 evidence as 922-A and B.

5 922-A will be able to play publicly. 922-B will be
6 for the jury only.

7 We will start with playing 922-A.

8 (Video playing.) (Video stopped.)

9 MS. GEDDES: Now we would like to play Government
10 Exhibit 922-B, but for the jury only, please.

11 MS. GEDDES: Both the video and the audio should
12 only go to the jury.

13 (Video playing for the jury.) (Video stopped.)

14 MS. GEDDES: Your Honor, you admitted the exhibits
15 that I read out a few moments ago, didn't you?

16 THE COURT: Yes.

17 MS. GEDDES: The Government rests.

18 THE COURT: Thank you very much.

19 Does the defense wish to call any witnesses?

20 MR. SCHOLAR: Yes, Your Honor.

21 We call my Dhanai Ramnaran.

22 THE COURTROOM DEPUTY: Please stand and raise your
23 right hand.

24 Do you solemnly swear or affirm that the testimony
25 you're about to give will be the truth, the whole truth, and

Proceedings

3988

1 nothing but the truth?

2 THE WITNESS: Yes.

3 THE COURTROOM DEPUTY: You may be seated.

4 THE COURT: A couple of things before we start, you
5 can take your mask off because you are behind the partition.

6 THE WITNESS: Thank you.

7 THE COURT: I want to make sure everybody can hear
8 what you have to say, so speak into the microphone, which is
9 right there. Tap it and see if it works.

10 THE WITNESS: Is it possible to re-position?

11 THE COURT: Yes. That's fine. If it's easier, you
12 can take off the microphone and use it that way. The key
13 thing is everybody can hear you. The second part of that is
14 make sure you don't speak too fast. The court reporter takes
15 down everything that you say and it makes it harder if you
16 talk too fast or not loud enough. Don't do that.

17 THE WITNESS: Okay.

18 THE COURT: For the same reason, try not to talk
19 over whichever lawyer is asking you questions, just let them
20 finish before --

21 THE WITNESS: Okay.

22 THE COURT: Just like this. Let the person finish
23 before you start talking.

24 And if there's something that you don't understand,
25 let me know and I will have the lawyer phrase, okay?

Proceedings

3989

1 THE WITNESS: Okay.

2 THE COURT: Go ahead, Mr. Scholar.

3 MR. SCHOLAR: Thank you, Your Honor.

4 (Continued on next page.)

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Ramnaran - direct - Scholar

3990

1 **DHANAI RAMNARAN,**

2 called by the Defendant, having been duly sworn, was
3 examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. SCHOLAR:

6 Q Do you know Robert Kelly?

7 A Yes, sir.

8 Q How do you know him?

9 A He's like a mentor to me and a friend, a good friend, and
10 that's basically how I know him.

11 Q Do you see him in court today?

12 A I can't see from this angle.

13 Q Go ahead and stand up.

14 What is he wearing?

15 A A gray suit.

16 THE COURT: Indicating the defendant.

17 MR. SCHOLAR: Thank you, Your Honor.

18 Q Did you work with him on a musical project?

19 A Yes, sir.

20 Q And how many years did you work with Mr. Kelly?

21 A I was around for a long time, been working on various
22 different things. I was around 15 years, 16, something of
23 this nature.

24 Q 15 or 16 years?

25 A Yeah.

Ramnaran - direct - Scholar

3991

1 Q Now, were you in his presence on a daily basis?

2 A Uh-hum. Yes, sir.

3 Q And during that entire time, did you ever see him
4 verbally abuse a woman?

5 A No.

6 Q Did you ever see him lock a woman in room?

7 A No.

8 Q Did you ever see him tell another person to lock a woman
9 in a room?

10 A No.

11 Q Did you ever see him strike a woman?

12 A No.

13 Q Did you ever see him Da-Ni a woman food?

14 A No.

15 Q Did you ever see him tell anyone to Da-Ni a woman food?

16 A No.

17 Q Did you ever see him tell a woman she could not use the
18 bathroom?

19 A No.

20 Q Did you ever see him tell anyone else that a woman could
21 not use a bathroom?

22 A No.

23 Q Did you see him open doors for women?

24 A Yeah, yeah, all the time.

25 Q And did you see him stand up when women entered the

Ramnaran - direct - Scholar

3992

1 room?

2 A Yes.

3 Q And during that entire time when you were with Mr. Kelly,
4 did you see when his girlfriends would enter a room?

5 A Yes.

6 Q When his women guests entered a room, did you have to
7 leave?

8 A No.

9 Q And when you entered a room where Mr. Kelly's were, did
10 they have to look at a wall?

11 A No. What?

12 Q Were you able to speak to Mr. Kelly's female guests?

13 A He actually told me to.

14 Q He asked you to speak to them?

15 A Yeah.

16 Q Why?

17 A Because naturally me as a person, I really don't -- like,
18 I like people, I talk. But I was there concentrating on what
19 I have to do, which is the musical aspect and just observing,
20 you know. So, usually, if there were any ladies around, I
21 just never really paid attention to them because that wasn't
22 my focus, what I was there for.

23 And one day he pulled me to the side --

24 MS. CRUZ MELENDEZ: Objection.

25 THE COURT: Don't tell us anything that he said.

Ramnaran - direct - Scholar

3993

1 Next question. Try not to lead. Okay?

2 MR. SCHOLAR: I will not, Judge. Just a preliminary
3 matter.

4 Q How did you meet Mr. Kelly?

5 A I was in Albuquerque, New Mexico. I just got back from
6 Los Angeles and -- that's where my mother lives, and I heard
7 that somebody was at the mall, and I heard it was R. Kelly.
8 So I went down to the mall to see if it was true because of my
9 musical ambitions. I actually met him there at a restaurant
10 called Chelsea's and I just approached him. And I just told
11 him about me, who I am. And I said I would like to make you
12 my guest here in Albuquerque because I have a lot of
13 connections, you know, basketball, movies, things of that
14 nature. And that's how it started.

15 Q Were you able to set those things up for him?

16 A Yes, sir.

17 Q And what types of activities did you set up for Mr.
18 Kelly?

19 A I think we went to see a movie called *The Radio*, at the
20 movie theatre at Rio 24. And then from there we got a private
21 basketball court, so, you know, my friends -- my brother and
22 his friends versed Rob and his friends, and we were able to
23 play, and we played all night.

24 Q And after that, did Mr. Kelly leave Albuquerque?

25 A Uh-hum.

Ramnaran - direct - Scholar

3994

1 Q You have to say yes.

2 A Yes.

3 Q At some point did you see Mr. Kelly again?

4 A Yeah, yeah. Basically, yes.

5 Q Where was that?

6 A In Las Vegas, Nevada.

7 Q How did you get to Las Vegas?

8 A After I was able to extend my, you know, things that I
9 could provide there in Albuquerque, he invited me to come to
10 Las Vegas, Nevada where he was closing the Billboard Music
11 Awards.

12 Q Were you able to go to the award show?

13 A Yes.

14 Q How was it?

15 A It was great, fabulous, had a great time.

16 MS. CRUZ MELENDEZ: Objection.

17 THE COURT: I don't see why this is relevant. Why
18 don't you put another question to the witness.

19 MR. SCHOLAR: Yes, Judge.

20 BY MR. SCHOLAR:

21 Q And after Las Vegas, did you continue to communicate with
22 Mr. Kelly?

23 A Yes, sir.

24 Q Where did you go next after Las Vegas?

25 A Chicago.

Ramnaran - direct - Scholar

3995

1 Q How did you get to Chicago?

2 A I flew there.

3 Q Who flew you?

4 A Mr. Kelly.

5 Q And what was the purpose of you going to Chicago?

6 A To talk further, more about the music aspect and what
7 could be done.

8 Q And at this time, were you also in the music promoting
9 business?

10 A Yes, sir.

11 Q And when you flew out to Chicago, did you ever have to
12 wait for Mr. Kelly?

13 A Yes.

14 Q And how long did you have to wait?

15 A Well, it just depends what was going on, but I remember
16 one time, you know, waiting pretty much a couple of days
17 before I was able to -- but I understand how busy he is
18 because of who he is.

19 Q Why didn't you leave?

20 A Why did I leave?

21 Q Yes.

22 A I don't understand.

23 Q When you had to wait that long, why didn't you leave?

24 A I thought you asked why did I leave.

25 Q Why didn't you leave?

Ramnaran - direct - Scholar

3996

1 A No. I didn't leave because I pretty much understand
2 what's going on as far as the music business is concerned and
3 how much of a busy person that he is and it's something for us
4 to work on, so I was willing to put in that time.

5 Q Did you travel with Mr. Kelly on tours?

6 A Yes, sir.

7 Q And where would you go on tours?

8 A All across the United States and Europe.

9 Q You observed his tour buses?

10 A Oh, yeah.

11 Q Can you describe the tour buses?

12 A I mean, yeah.

13 Q How large were these tour buses?

14 A Standard size, tour bus.

15 Q When you say that, I don't know what that means. What do
16 you mean?

17 A I don't know the exact dimensions of the buses, but
18 basically bigger than RVs that you see on the road.

19 Q What was in the tour bus?

20 A Chairs, seats, sometimes bunks, refrigerator, you know,
21 seat, bathroom.

22 Q And during the time that you traveled with Mr. Kelly on
23 tour, did you ever see a woman locked in the bathroom on a
24 tour bus?

25 A No.

Ramnaran - direct - Scholar

3997

1 MS. CRUZ MELENDEZ: Objection.

2 THE COURT: Overruled.

3 A No.

4 Q When someone had to use the bathroom, did the bus stop?

5 A Yeah. I mean, well, we had bathrooms on the bus. The
6 bus would also stop so people could use the bathroom., you
7 know, Flying Js, different type of truck stops.

8 Q If you know, why did the bus stop at various locations?

9 MS. CRUZ MELENDEZ: Objection.

10 THE COURT: Well, sustained as to form.

11 BY MR. SCHOLAR:

12 Q Were you aware of why the buses would stop?

13 A Yeah.

14 Q Why would the buses stop?

15 A Mostly for gas on the road and also so people can use the
16 bathroom, get what they want to eat, drink, you know. Because
17 like a lot of these places are like little malls, a lot of
18 these places, you know, like Flying J's and stuff, food
19 courts, whatever.

20 Q Were you able to spend time with Mr. Kelly during the
21 stops?

22 A Yeah.

23 Q Did you also spend time with Mr. Kelly's wife and
24 children before the divorce?

25 A Yeah.

Ramnaran - direct - Scholar

3998

1 Q What types of things would you do?

2 MS. CRUZ MELENDEZ: Objection.

3 THE COURT: I really don't see the relevance. What
4 year are we talking about?

5 Q What year was the divorce?

6 A I can't recall exactly what year it was.

7 THE COURT: I don't see the relevance. Next
8 question.

9 MR. SCHOLAR: Sure, Judge.

10 BY MR. SCHOLAR:

11 Q Now, you stated earlier that you were able to observe Mr.
12 Kelly's girlfriends?

13 A Well, I would see, you know, whoever was around.

14 Q Did you ever see Mr. Kelly tell his girlfriends to behave
15 a certain way?

16 A No, no.

17 Q How did Mr. Kelly's girlfriends dress?

18 A Normal people.

19 Q Did you ever see Mr. Kelly's girlfriends go shopping?

20 A Yeah, all the time.

21 Q How would they dress to go shopping?

22 A Pretty normal, but they go shop, get whatever they want.

23 THE COURT: Were you shopping with them?

24 THE WITNESS: No, I was just there.

25 THE COURT: I see. Go ahead.

Ramnaran - direct - Scholar

3999

1 Q When you saw them leave, how were they dressed?

2 A From the place that they shopped from?

3 Q Yes.

4 A The same way they went walking in just with a lot of
5 bags.

6 Q And when they left, were they with anyone?

7 A No. I mean, Mr. Kelly would be there or, you know,
8 that's pretty much it. I mean.

9 Q And the girlfriends, when they left the house or the
10 studio, would they be by themselves?

11 A Yeah. Sometimes they'd go down the street, get something
12 to eat, go shop, come back, go to the bathroom, whatever, just
13 like the rest of us.

14 Q And did you ever have the opportunity to be in the
15 presence of Mr. Kelly's girlfriends when they ate?

16 A Yeah. Yeah.

17 Q And what did you observe when Mr. Kelly's girlfriends
18 ate?

19 A What I observed? I mean, whenever we would go to the
20 restaurant, they get to sit down first, order first, eat
21 first, chivalry basically.

22 Q At the studios did you ever see menus?

23 A Yeah, yeah, yeah. There's menus all over the place from
24 various restaurant in the area.

25 Q What was the purpose of the menus?

Ramnaran - direct - Scholar

4000

1 A For his guests to order off of.

2 Q Did that include female guests?

3 A Yeah, pretty much always them, not just only them, but
4 mostly them.

5 Q Did Mr. Kelly's girlfriends have assistants?

6 A Yeah, you know, the runners are basically like butlers.

7 Q What did you see these runners do?

8 A You know, serve, you know, go, whenever they would order
9 something, go get it, bring it back, clothes, give them rides
10 wherever, get coffee, drinks, walk dogs, you know, stuff of
11 that nature.

12 Q And can you describe a typical day of what it was like
13 working with Mr. Kelly?

14 A Yeah. It just depends what was going on, workout twice a
15 day sometimes, Tuesdays and Thursday play basketball, and he
16 just records all the time. Even when he's not in the studio,
17 he's thinking about the studio. There's always music going
18 on.

19 MS. CRUZ MELENDEZ: Objection.

20 THE COURT: Sustained. It's sustained as to that
21 last part.

22 What was your job actually there?

23 THE WITNESS: To observe and to learn and to become.

24 THE COURT: I see. Go ahead.

25 BY MR. SCHOLAR:

Ramnaran - direct - Scholar

4001

1 Q Now, did you ever -- withdrawn.

2 Were you able to work on a musical project with Mr.
3 Kelly?

4 A Yes, sir.

5 Q What type of musical project?

6 A Like in pop genre, I would say.

7 Q Did you ever observe Mr. Kelly write songs?

8 A All the time.

9 Q Did Mr. Kelly record songs?

10 A All the time.

11 Q And did he record songs with other people?

12 A Yeah, all the time.

13 Q When you were at Mr. Kelly's studios did people have to
14 knock?

15 A Yeah.

16 Q Why did people have knock?

17 A Basically, I'm an artist so --

18 MS. CRUZ MELENDEZ: Objection.

19 THE COURT: The question is were you told that you
20 had to knock.

21 THE WITNESS: No, the question -- I mean, it's
22 common courtesy basically.

23 THE COURT: When you say you had to knock, what
24 exactly are you talking about?

25 THE WITNESS: The reason I would have to knock is

Ramnaran - direct - Scholar

4002

1 because there's always a creative process going on, and when
2 you are focused and you have something to get done -- and a
3 lot of people probably don't understand this --

4 THE COURT: That's okay. I think it is a pretty
5 straightforward question. If you went into another room, did
6 you knock on the door?

7 THE WITNESS: Yes.

8 THE COURT: Okay. Next question.

9 Q What about the music studio when recording was going on,
10 did you have to knock to enter that room?

11 A 100 percent.

12 Q Why?

13 A You don't want to interrupt what's recording live. You
14 don't want to do your best vocal and then somebody just walk
15 in on you and mess up the whole thing and mess the vibe.

16 When you record, we hear something totally different
17 than normal people hear, and it has to be totally aligned
18 correctly, and any little disturbance can just throw off the
19 whole project, especially if it's your best take.

20 Q Did you ever see Mr. Kelly with a gun?

21 A With a --

22 Q With a gun.

23 A No.

24 Q During that time that you spent with Mr. Kelly, did you
25 go to the studios and homes?

Ramnaran - direct - Scholar

4003

1 A Yes.

2 Q Which studios did you go to?

3 A Chocolate Factory, which is on Larrabee. He also had a
4 studio at his house later on and one in Ontario.

5 Q Which homes did you go to?

6 A Trump Towers, as well Olympia Fields.

7 Q Now, at the studios, were there any doors that were
8 locked from the outside?

9 A No.

10 Q And at his homes, were there doors to interior rooms that
11 would be locked from the outside?

12 A No, no.

13 Q Were Mr. Kelly's girlfriends free to come and go?

14 A Excuse me?

15 Q Were Mr. Kelly's girlfriends free to come and go?

16 A Yeah. Always came and left, wherever.

17 Q Did you actually see Mr. Kelly's girlfriends come and go?

18 A Yes.

19 Q Did Mr. Kelly ever tell you to have sex with one of his
20 girlfriends?

21 A No, no.

22 Q Did Mr. Kelly ever ask you to write a letter for him?

23 A No, no, no.

24 Q Do you know Cheryl Mack?

25 A Yes.

Ramnaran - direct - Scholar

4004

1 Q What interactions did you have with Cheryl Mack?

2 A At that time she was, I guess, managing and assisting in,
3 you know, booking shows and concerts.

4 Q Without telling us what Cheryl Mack may have said, did
5 you set a show up for Mr. Kelly?

6 A Yes.

7 Q What happened with that show?

8 A Well, the promotor sent the wire through to Cheryl and
9 Linda and basically what happened was that --

10 MS. CRUZ MELENDEZ: Objection.

11 THE COURT: Well, I'm not sure where you got this
12 information. Did you see this or did someone tell you about
13 it?

14 THE WITNESS: No, I'm involved in this.

15 THE COURT: Well, did you watch as she received
16 whatever the communication is or did someone tell you what
17 happened? That's my question.

18 THE WITNESS: I was talking to her.

19 THE COURT: Okay, you were talking to Ms. Mack?

20 THE WITNESS: Yes.

21 THE COURT: Could I see the parties at the side with
22 the court reporter for just a second.

23 (Continued on the following page.)
24
25

Sidebar

4005

1 (Sidebar conference held on the record out of the
2 hearing of the jury.)

3 THE COURT: What is it that he is going to say?

4 MR. SCHOLAR: Cheryl Mack messed up the project and
5 that was the beginning of the end between the relationship
6 with Mr. Kelly and Cheryl Mack.

7 THE COURT: It's not entirely clear to me what his
8 role would be other than observing and --

9 MR. SCHOLAR: He set up the show and Cheryl Mack set
10 up the show for the same day, his show had to get pushed back
11 and Cheryl Mack show was not a real show, so everybody lost
12 money on it.

13 THE COURT: Why is this relevant?

14 MR. SCHOLAR: This is relevant to why she -- it is
15 not entirely clear how he knows about it.

16 MS. CRUZ MELENDEZ: I would also argue it is in
17 violation of Rule 608(b), extrinsic evidence with respect to
18 Cheryl Mack's testimony.

19 THE COURT: I don't know about that. I think she
20 gave various reasons why she left and this is another reason,
21 so, if he has -- if he is in a position to observe this, you
22 can ask him.

23 Maybe you can lead him a little bit.

24 MR. SCHOLAR: I'm not going to go too far.

25 THE COURT: I might move on. If it's admissible,

Sidebar

4006

1 you can ask.

2 MR. SCHOLAR: Thank you.

3 (Sidebar concluded.)

4 (Continued on the following page.)

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Ramnaran - direct - Scholar

4007

1 MR. SCHOLAR: Can I move on judge?

2 THE COURT: Go ahead. Do you want to put another
3 question to the witness?

4 MR. SCHOLAR: Thank you, Judge.

5 THE WITNESS: Okay.

6 BY MR. SCHOLAR:

7 Q While you were with Mr. Kelly, you were recording music?

8 A Yes, sir.

9 Q And that was in anticipation of the project you were
10 working on?

11 A Yes, sir.

12 Q And would you be at the studio on a daily basis?

13 A Yes.

14 Q And would you also set up shows for Mr. Kelly?

15 A Yeah. I was attempted to do stuff.

16 Q And did you set up shows in Baton Rouge and San Antonio?

17 A Yes.

18 Q While you were doing that, did Cheryl Mack set up a show
19 in Phoenix?

20 A Yes.

21 Q Were your shows moved as a result of that?

22 THE WITNESS: Yes.

23 MS. CRUZ MELENDEZ: Objection.

24 THE COURT: Overruled.

25 Q Did you lose money?

Ramnaran - direct - Scholar

4008

1 A Yes.

2 MS. CRUZ MELENDEZ: Objection.

3 Q Did Cheryl Mack's show go on?

4 A Excuse me?

5 Q Did Cheryl Mack's show in Phoenix, did that go on?

6 A Well --

7 MS. CRUZ MELENDEZ: Objection.

8 THE COURT: The question is a simple one, did her
9 show go on?

10 THE WITNESS: It was not a simple answer.

11 THE COURT: Well, give it a try. Did it happen?
12 Did the show happen? How about that?

13 THE WITNESS: The date was scheduled to happen, but
14 things went awry.

15 THE COURT: I see. Next question.

16 BY MR. SCHOLAR:

17 Q Now, you were with Mr. Kelly up until 2019?

18 A Yeah, off and on and talked to him on the phone and
19 stuff.

20 Q Did you see the documentary *Surviving R. Kelly*?

21 A I didn't see much of it. I saw just like a little bit of
22 it. I turned it off because I saw the real thing, I was there
23 for the real show.

24 MS. CRUZ MELENDEZ: Objection.

25 THE COURT: Sustained.

Ramnaran - direct - Scholar

4009

1 Q Now, were you able to finish a project with Mr. Kelly?

2 A Yeah.

3 Q And was it ever released?

4 A No.

5 Q Why was it not released?

6 A Well, a lot of stuff started happening, you know,
7 concerning this and, you know, also that show that came out,
8 so it didn't seem like the temperature was right.

9 Q When was the project scheduled to be released?

10 A Couple years ago.

11 Q And were you ever on Mr. Kelly's payroll?

12 A No.

13 Q And did you bring a song with you today?

14 A Uh-hum.

15 MR. SCHOLAR: Would it be possible --

16 MS. CRUZ MELENDEZ: Objection.

17 THE COURT: No. Denied.

18 Q But you actually have music with you that you recorded
19 with Mr. Kelly?

20 MS. CRUZ MELENDEZ: Objection.

21 A Yes.

22 THE COURT: It's not relevant.

23 MR. SCHOLAR: Thank you, Judge.

24 Q Are you involved in any other businesses today besides
25 music?

Ramnaran - cross - Cruz Melendez

4010

1 A I'm working on a line of shoes.

2 MR. SCHOLAR: And thank you. I have no further
3 questions. Thank you so much.

4 THE WITNESS: No problem.

5 THE COURT: Cross-examination?

6 MS. CRUZ MELENDEZ: Yes, Your Honor.

7 CROSS EXAMINATION

8 BY MS. CRUZ MELENDEZ:

9 Q Sir, on cross-examination -- I'm sorry, on direct
10 examination you testified that you were off and on with
11 respect to communication with the defendant; correct?

12 A Yes.

13 Q So off and on, meaning you were not there every day;
14 correct?

15 A Well, I was there every day, but then when I left, I
16 would keep in communication.

17 Q So there were times when you were there and there were
18 times where you were not there; correct?

19 A Correct.

20 Q So that would not be with the defendant every day;
21 correct?

22 A It would depend when you're talking about.

23 Q Okay. So let's talk about when we're talking about.

24 You mentioned that you have known the defendant for
25 approximately 15 or 16 years?

Ramnaran - cross - Cruz Melendez

4011

1 A Yeah. Give or take, possibly even more.

2 Q Okay. 15 or 16 years. I'm sorry, what was your job with
3 respect to the defendant?

4 A As I stated before, I didn't have a job. I was there
5 observing, learning and to become, because I am an artist.

6 Q To become what, sir?

7 A I just said I'm an artist.

8 Q You testified that you first met the defendant in
9 Albuquerque; is that correct?

10 A Yes, ma'am.

11 Q Were you living in Albuquerque?

12 A Yes.

13 Q The defendant didn't live in Albuquerque; right?

14 A No.

15 Q When was it in Albuquerque that you met the defendant?

16 A I met him at Coronado Mall.

17 Q When, sir?

18 A Oh, it might have been like 2000, whatever year it was
19 that he closed the Billboard Awards, I don't know if it was
20 2005, somewhere in that area.

21 Q To be clear, prior to 2005, you did not know the
22 defendant; correct?

23 A Correct.

24 Q So you can't speak to anything with respect to the
25 defendant's conduct prior to 2005; correct?

Ramnaran - cross - Cruz Melendez

4012

1 A Only what I know.

2 Q You didn't know the defendant prior to 2005; correct?

3 A Correct.

4 Q When you met the defendant in Albuquerque, you said you
5 met him because he was traveling through Albuquerque; is that
6 correct?

7 A Yes.

8 Q And then he left Albuquerque; correct?

9 A Yes, he invited me.

10 Q But you didn't leave with the defendant, did you?

11 A Correct.

12 Q So when he left Albuquerque, you weren't with the
13 defendant; correct?

14 A Correct.

15 Q So you can't speak to what the defendant did after he
16 left Albuquerque and stopped speaking with you at the mall?

17 MR. SCHOLAR: Objection to form, Judge.

18 THE COURT: Overruled.

19 I mean, you weren't with him right?

20 THE WITNESS: No. I can't speak for what happened
21 in the six-hour, seven-hour travel. But I did fly out like
22 the next day or so.

23 Q You said you flew out to Las Vegas?

24 A Correct.

25 Q Okay. And when you flew out to Las Vegas, it's your

Ramnaran - cross - Cruz Melendez

4013

1 testimony that you spent every second in Las Vegas with the
2 defendant?

3 A Every second, no. You know, pretty much the whole time,
4 but, you know.

5 Q So there were times when you were not with the defendant;
6 correct?

7 A Like when I had to go use the bathroom, whatever, yeah.

8 Q And I assume you slept?

9 A Yeah, I do that as well. I'm just talking about during
10 waking hours.

11 Q Now, you also testified that at some point you left Las
12 Vegas; correct?

13 A Yes.

14 Q And that at a later date you were then flown by the
15 defendant to Chicago; correct?

16 A Yes.

17 Q Fair to say that between the time that you were in Las
18 Vegas and then you left to Chicago, you also were not with the
19 defendant?

20 A No.

21 Q That's not fair to say?

22 A No. I'm saying I wasn't there.

23 Q You weren't there with the defendant; correct?

24 A Correct.

25 Q Now, you testified that at some point you traveled with

Ramnaran - cross - Cruz Melendez

4014

1 the defendant; is that correct?

2 A Yes.

3 Q And when was that?

4 A Tours. Whenever the tour would come up, you know, during
5 tours.

6 Q What tour, sir?

7 A There's several tours, Mr. Showbiz. I can't remember all
8 the names of all the tours, whenever the tours come up, we
9 would be....

10 Q What was your role on tour?

11 A Observing.

12 Q Do you recall any of the names of the tours?

13 A Yeah, I just said Mr. Showbiz was one of them. There's
14 many tours. I can't remember all names.

15 Q Do you recall the years of the tours?

16 A Well, within that time I was there, there's usually a
17 tour like every, you know, year and a half, or something like
18 that.

19 Q And it's your testimony that you traveled on each one of
20 those tours?

21 A On every tour, no. I traveled on many tours, but not
22 every single tour. I'm can't remember which exact tour you're
23 trying to single out.

24 Q I'm asking you whether or not you recall what tours you
25 were on?

Ramnaran - cross - Cruz Melendez

4015

1 A Yeah. I just answered, like Mr. Showbiz.

2 There's a few tours, like give me some names
3 probably would help.

4 Q So you can't provide the names of the tours that you were
5 on, is that fair to say?

6 A There were some different tours, I was there for some of
7 the tours.

8 Do I remember each and every name of the tours? No.

9 Q Do you recall how many tours you traveled with the
10 defendant on?

11 A There was a few tours here in the States and also in
12 Europe.

13 Q When you travelled to Europe, you flew there; correct?

14 A Yes.

15 Q When you traveled, according to you, on tour with the
16 defendant, you took a tour bus?

17 A Yes.

18 Q Is it fair to say there were multiple tour buses that
19 traveled when the defendant was on tour?

20 A Yes.

21 Q Is it also fair to say that you traveled with the roadie
22 tour bus?

23 A Roadie tour bus?

24 Q Yes. That's what I am asking.

25 A What's your definition of roadie?

Ramnaran - cross - Cruz Melendez

4016

1 Q Do you understand what a roadie is?

2 You're in the music business; correct?

3 A Yeah, but I'm asking what's a roadie because I never
4 heard of a roadie tour bus.

5 Q Are you familiar with the term roadie?

6 A Yes.

7 Q But can you explain what a roadie?

8 A I was asking you to tell me.

9 THE COURT: You don't get to ask questions
10 unfortunately. If you don't understand a question, I can ask
11 the lawyer to rephrase it.

12 THE WITNESS: Yeah, please. Yes, ma'am.

13 THE COURT: Do you have another question you would
14 like to put to the witness?

15 Q Were there individuals who were responsible for equipment
16 on tour?

17 A Yeah.

18 Q Is it fair to say that roadie is a term for an individual
19 who may be responsible for equipment on tour?

20 A Yeah.

21 Q Did you travel with roadies when you were on tour?

22 A No.

23 Q Did you travel in the United States when you traveled on
24 tour, according to you, with the defendant, did you travel in
25 the defendant's Sprinter?

Ramnaran - cross - Cruz Melendez

4017

1 A Yes, I've been on the Sprinter.

2 Q You have been on the Sprinter.

3 Did you travel with the defendant every single time
4 he was in the Sprinter?

5 A Not every single time because not every single time was
6 the Sprinter used.

7 Q I'm showing what's in evidence as Government Exhibit --
8 first let me ask you this: You testified that you were with
9 the defendant -- on direct examination you testified you were
10 with the defendant pretty much every day?

11 A Whenever I was there, I was there all the time.

12 Q I'm showing what's in evidence as Government Exhibit
13 257-A, 257-B, and 257-C. Do you see that there, sir?

14 A Yes.

15 Q Do you know what that's a photograph of?

16 A Sprinter.

17 Q Are you in that photograph?

18 MR. SCHOLAR: Objection, judge.

19 THE COURT: Overruled.

20 Do you see yourself in the picture?

21 THE WITNESS: No.

22 THE COURT: Okay.

23 BY MS. CRUZ MELENDEZ:

24 Q I'm showing you Government Exhibit 257-B. Do you see the
25 defendant in this photograph?

Ramnaran - cross - Cruz Melendez

4018

1 A Yeah, I assume that's him. It's real messed up, like,
2 you know, real bright.

3 Q You see him in the photo; correct?

4 A Yeah.

5 Q In 257-A, B, and C, are you in any of these photographs?

6 A No.

7 Q Now, you testified that you're an artist; correct?

8 A Yes.

9 Q And that you promote shows; is that correct?

10 A Yes.

11 Q Have you worked -- have you promoted shows prior to 2008
12 with other artists other than the defendant?

13 A Yes. Well, parties, as well as shows.

14 Q Okay. When you were working with other artists, did you
15 ever open shows for those other artists?

16 A Did I ever open shows for those other artists?

17 Q Yes.

18 A Yes.

19 Q Fair to say when you were opening shows for those other
20 artists, you weren't with the defendant; correct?

21 A Correct.

22 Q Going back to the times when you stated that you were
23 traveling on the road with the defendant, you testified on
24 direct examination that the tour bus would sometimes stop at
25 food courts; is that correct?

Ramnaran - cross - Cruz Melendez

4019

1 A No. Well, they're like truck stops, but those truck
2 stops are pretty big, so you had food courts, multiple
3 different kinds of restaurants, shopping in there, little
4 things people need.

5 Q You would get out to get food; correct?

6 A Not all the time, but whenever I want.

7 Q And not particularly dangerous places, is that fair to
8 say?

9 A Dangerous places?

10 Q No, there weren't dangerous places; right?

11 A No. There....

12 Q You testified on direct examination that you have never
13 seen the defendant with a gun?

14 A 100 percent.

15 Q Are you aware that the defendant has a gun permit?

16 A No, I never had a gun conversation.

17 Q So you are not aware that the defendant has a gun permit?

18 A No.

19 Q Now, Mr. Ramnaran -- am I pronouncing that correctly?

20 A Close enough.

21 Q You and I have never met before; correct?

22 A No.

23 Q So before this moment, we have never spoken; right?

24 A First time.

25 Q So we haven't spoken about anything that you have

Ramnaran - cross - Cruz Melendez

4020

1 testified here today; right?

2 A Right.

3 Q Have you met with anyone on the defense team?

4 A If have I met with anybody on the defense team?

5 Q Yes.

6 A Well, I just got in town and, you know, I saw him.

7 Q You saw Mr. Scholar, the individual who asked you
8 questions on direct examination?

9 A Yes.

10 Q And you spoke to him; right?

11 A Yes.

12 Q He asked you questions about testimony you were going to
13 give here today?

14 A No.

15 What do you mean? What do you mean?

16 Q Mr. Scholar didn't ask you any questions?

17 A He just asked me what happened, what was going on, I told
18 him the truth.

19 Q He asked you questions?

20 A Yeah.

21 Q About what you would be testifying here today; correct?

22 A Yeah.

23 Q Did you provide the defense with any paperwork?

24 A No.

25 Q Did you provide them with any documents?

Ramnaran - cross - Cruz Melendez

4021

1 A What do you mean?

2 Q Any documents. Did you provide any documents to the
3 defense?

4 A No.

5 Q Any pictures?

6 A No.

7 Q Any pictures of you with the defendant?

8 A No.

9 Q Now, when you were speaking with Mr. Scholar, was anyone
10 taking notes?

11 A No.

12 Q So no one wrote anything down of what you said?

13 A Not that I know of.

14 Q There is no recording of what you previously said to
15 defense?

16 MR. SCHOLAR: Objection.

17 THE COURT: Overruled.

18 A No, I mean....

19 Q Now, you said you go by the name -- excuse me, you said
20 you were in the music industry; correct?

21 A Yes, my name is Da-Ni.

22 Q Can you spell that?

23 A Which? My artist spelling or personal spelling?

24 Q Your artist spelling.

25 A D-A, N I, Da-Ni.

Ramnaran - cross - Cruz Melendez

4022

1 Q Before you met the defendant, you wanted to be in the
2 music business; correct?

3 A Yes.

4 Q You wanted to be a singer?

5 A Well, I rap and sing as well.

6 Q And you wanted to be a producer?

7 A I write.

8 Q I'm sorry?

9 A I write.

10 Q You write. You wanted to write music?

11 A But I have an ear for production.

12 Q So you wanted to write music; correct?

13 A Yeah.

14 Q When you first met the defendant you testified on direct
15 examination that you approached him because you wanted to work
16 with him; right?

17 A Correct.

18 Q And that you were hoping you could collaborate in some
19 way; correct?

20 A Correct.

21 Q Fair to say that you were hoping that he would write some
22 songs for you?

23 A Or participate in some kind of way, yeah.

24 Q You wanted to put out an album; right?

25 A Right.

Ramnaran - cross - Cruz Melendez

4023

1 Q And at some point you started working on an album;
2 correct?

3 A Yes, I worked on different songs, yeah.

4 Q For the purpose of an album?

5 A Right.

6 Q And that -- is that the project that you testified about
7 on direct examination?

8 A Yes.

9 Q And that album was called --

10 A Undeniable.

11 Q Undeniable; correct?

12 A Yes.

13 Q Spelled U-N-D-A-N-I-A-B-L-E; is that correct?

14 A Correct.

15 Q Fair to say you were hoping that that album would sell?

16 A Well, yeah, who...

17 Q And that the songs would be popular, you were hoping for
18 in that?

19 A Everybody strives for success.

20 Q Were you hoping to strive for success?

21 A I was.

22 Q When you were pursuing putting out that album, you used
23 Kelly's name to promote your music; right?

24 A The song that he was on.

25 Q And you used that name to your advantage; correct?

Ramnaran - cross - Cruz Melendez

4024

1 A Used to my -- yes, whenever someone's featured, yes,
2 that's part of it.

3 Q And you described yourself, while you were trying to put
4 that album, as being under the defendant's musical wing;
5 right?

6 A Right.

7 Q But you never -- did you release that song, a song from
8 that album?

9 A No, Automatic has never been released.

10 Q That was in 2000 -- approximately 2010, is that fair to
11 say?

12 A Which song?

13 Q The project, Undeniable?

14 A Yeah, somewhere around that area.

15 Q 2008, 2009, 2010?

16 A Yeah.

17 Q That's over ten years ago; correct?

18 A Correct.

19 Q Now, when you were publicizing your attempt at putting
20 out this Undeniable album, you plugged it as being -- as
21 having worked with R. Kelly, is that fair to say?

22 A Yeah.

23 Q And you stated that you were learning the business from
24 him; right?

25 A Correct. Correct.

Ramnaran - cross - Cruz Melendez

4025

1 Q Fair to say you wanted to make music -- excuse me, you
2 wanted to make money doing music?

3 A Correct.

4 Q And that you wanted to make a name for yourself?

5 A Correct.

6 Q And you wanted to be famous?

7 A I mean, that's -- everybody that strives wants to have
8 successes. You're describing success.

9 Q And did you want to have success?

10 A Yes.

11 Q And you hoped the defendant could help you with that;
12 right?

13 A Correct.

14 Q Because he was a known artist at the time?

15 A Correct.

16 Q And you were an unknown artist at the time?

17 A Correct.

18 Q It would have been important to your career to have the
19 defendant on your side; right?

20 A Correct.

21 Q So you wanted to be loyal to him; right?

22 A Correct.

23 Q To make sure to stay on his good side?

24 A No.

25 Q You didn't want to make sure to stay on his good side?

Ramnaran - cross - Cruz Melendez

4026

1 A How do I -- okay.

2 Q Yes or no, did you want to stay on his good side?

3 A What do you mean by that?

4 Well, I don't understand what you mean by stay on
5 his good side?

6 Q You wanted him to continue to help you with your music;
7 correct?

8 A We recorded, but stay on the good side?

9 Q I'm asking you now whether or not you wanted him to
10 continue to help you with your music?

11 A That would be preferable.

12 Q Because that would help your career; right?

13 A Correct.

14 Q Now, in social media, when you talked about that album
15 project, you listed the defendant's name; correct?

16 A Correct.

17 Q You listed his name on your MySpace page, is that fair?

18 A Correct.

19 Q On your Facebook page?

20 A I don't know about MySpace, but Facebook, I have to go
21 back and check the Facebook, because I really don't do social
22 media as much as I probably should.

23 Q If I showed you --

24 A But when I have done press releases.

25 Q If I showed you your Facebook page, would that refresh

Ramnaran - cross - Cruz Melendez

4027

1 your recollection as to whether or not you mentioned him on
2 your Facebook page?

3 A You're talking about music though. You're talking about
4 my music.

5 Q With respect to your music.

6 A Yeah. If I'm pushing my music, it would have it on it,
7 but like I did not socially interact as much as probably most
8 artists would.

9 Q Fair to say on your social media, on your Facebook page,
10 when you were promoting your music, you also used the
11 defendant's name?

12 A Yeah, featuring R. Kelly, just like movie features,
13 whoever is acting.

14 Q Now, since that project 2008, 2009, 2010 time period, you
15 haven't released any other music, have you?

16 A No. We've worked on something.

17 Q What did you work on?

18 A It's a song called Automatic.

19 Q You didn't release that; correct?

20 A No.

21 Q And fair to say that you're still an unknown artist?

22 MR. SCHOLAR: Objection.

23 A Correct.

24 THE COURT: Overruled.

25 Q You're currently still in the music business?

Ramnaran - cross - Cruz Melendez

4028

1 A Not as much right now. I kind of -- yes, I still have my
2 ambitions, but I kind of -- I have different focuses now.

3 Q You still want to release that Undeniable album; correct?

4 A It's kind of like the past now. Music has changed., you
5 know, music is a very fluid game and things always change. So
6 a lot has changed since what I record.

7 Q So as of November 2020, you weren't still trying to
8 publicize the album release for Undeniable?

9 A November 2020? You know, I don't have a recollection of
10 trying to publicize it, but, you know, I would have to record
11 new material because music has changed quite a bit.

12 Q On Twitter, you didn't state check out your website for
13 the latest on the Undeniable album?

14 A Yeah, but I have to -- if you go to the website, there is
15 no website, and then I would have to record new material I.
16 Was thinking about getting some things done.

17 Q Okay. So it's fair to say that you still want to try and
18 release an album in the music business; correct?

19 A I've changed my focus, like I've said earlier.

20 Q You own your own company?

21 A Do I own my own company? Well, I'm starting a company.

22 Q On LinkedIn, you don't list your own company, that you
23 are CEO and chairman of the company called Undeniable Music?

24 A Yeah. That would be for my album, but that -- I haven't
25 touched LinkedIn in I don't know how many years, ten years. I

Ramnaran - cross - Cruz Melendez

4029

1 don't know how long it's been. I haven't been on LinkedIn?

2 Q Sir, on your LinkedIn page it doesn't say since 1998 you
3 have been the chairman and CEO of Undeniable Music?

4 A That would be my own recordings.

5 Q I'm sorry, so you do purport to be the chairman and CEO
6 of Undeniable Music; is that correct?

7 A Yeah, I'm the head of my own recordings, whatever I
8 decide to do in my own home studio.

9 Q And you continue to be in the music industry according to
10 your own statements; is that fair to say?

11 A No. Like I said, I switched my focus. And I haven't
12 been -- check to see when is the last time I've been on
13 LinkedIn. It might have been over ten years ago or more.

14 Q Now, as you previously testified, much of your success
15 has been linked to the defendant's; is that correct?

16 A Most of my -- what do you mean by my success?

17 Q With respect to your music, it's been linked to the
18 defendant; correct?

19 A Well, we still -- nothing got -- you know, it's not
20 released. The latest song that we worked on never got
21 released and never will be.

22 Q Fair to say social media is forever?

23 A Yeah, as long as you stay in business I guess.

24 Q And so that your name is linked with the defendant's;
25 correct?

Ramnaran - cross - Cruz Melendez

4030

1 A Yeah, I mean, because we had a song.

2 Q If the defendant were to be convicted, it wouldn't be in
3 your best interest to connect your name with him anymore;
4 correct?

5 MR. SCHOLAR: Objection, Judge.

6 THE COURT: Sustained. That means you don't have to
7 answer.

8 THE WITNESS: Yeah.

9 THE COURT: Nothing more needs to be said. Go
10 ahead.

11 Q Now, you testified that there were times where you were
12 in the studio with the defendant?

13 A Yes.

14 Q You said you wanted to focus on the music with the
15 defendant, is that fair to say?

16 A It wasn't just music. I was observing everything, how
17 people interact with him, because I understand that at some
18 point when my ambitions were lined up with what I was doing at
19 that time --

20 MS. CRUZ MELENDEZ: Objection as nonresponsive.

21 THE COURT: Just do your best to answer the question
22 you are being asked.

23 THE WITNESS: Okay. I was just trying to give her
24 the details she wants.

25 THE COURT: Well, I think Ms. Cruz Melendez is fully

Ramnaran - cross - Cruz Melendez

4031

1 capable of letting you know when she needs an answer.

2 Go ahead. Next question.

3 BY MS. CRUZ MELENDEZ:

4 Q When you were in the studios, the various studios that
5 you said you went to, you said Chocolate Factory; is that
6 correct?

7 A Yes.

8 Q You said you spent time at Olympia Fields; is that
9 correct?

10 A Yes.

11 Q When you were there, you were, as you testified, working
12 on music; correct?

13 A Yes.

14 Q So you were in the recording studio?

15 A Yes.

16 Q When you were in the recording studio you were in the
17 actual area of recording; correct?

18 A Yeah.

19 Q Fair to say you weren't in each and every room in Olympia
20 Fields?

21 A Well, there's a lot of -- you know, I've been to
22 different rooms, but, yes.

23 Q But not every room; correct?

24 A Excuse me?

25 Q Not every room; correct?

Ramnaran - cross - Cruz Melendez

4032

1 A Not every single room.

2 Q You weren't in every single room at the Chocolate
3 Factory, is that fair to say?

4 A Yeah.

5 Q Okay. So -- now, when you were working on this project
6 from over ten years ago with the defendant, did you have a
7 job, like a day job?

8 A No, no, I didn't have a day job.

9 (Continued on next page.)

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Ramnaran - Cross - Ms. Cruz Melendez

4033

1 DIRECT EXAMINATION

2 BY MS. CRUZ MELENDEZ: (Continuing.)

3 Q Fair to say, sir, that you weren't with the defendant
4 when he was alone in rooms with his girlfriends?

5 A No.

6 Q And fair to say that you weren't with the defendant when
7 he was alone with his girlfriends on tour buses?

8 A No.

9 Q It's not fair to say that?

10 A I don't understand --

11 Q You were not --

12 A If he's alone, then I'm not there, if that's what you're
13 saying.

14 Q Right. So when he's alone with his girlfriends on the
15 tour bus, for example, you were not there?

16 A Right.

17 Q When he was alone on the tour bus in the Sprinter, you
18 were not there; correct?

19 A I mean, there's been times I've been on the Sprinters and
20 there is other guests there.

21 Q What I'm asking you is, when he's alone with someone on
22 the Sprinter, you're not there; correct?

23 A When he's alone, he's alone, yeah.

24 Q When the defendant was alone in hotel rooms with his
25 girlfriends, you were not there; correct?

Ramnaran - Cross - Ms. Cruz Melendez

4034

1 A Correct.

2 MS. CRUZ MELENDEZ: Nothing further.

3 THE COURT: Any redirect?

4 MR. SCHOLAR: No, Your Honor.

5 THE COURT: All right.

6 Thank you so much. You can step down.

7 THE WITNESS: Thank you.

8 (Witness excused.)

9 THE COURT: Do you have another witness you would
10 like to call.

11 MR. SCHOLAR: Judge, if it's possible, can we have
12 the morning break?

13 THE COURT: Sure.

14 Folks, we are going to break for ten minutes or so.
15 Please don't talk about the case at all. I'll see you in a
16 few minutes.

17 THE COURTROOM DEPUTY: All rise.

18 (Jury exits.)

19 THE COURT: Everybody can have a seat.

20 The witness can step out.

21 (Witness exits the courtroom.)

22 THE COURT: Who is the next witness?

23 MR. SCHOLAR: Judge, I just want to speak to our
24 investigator to see who is cued up.

25 THE COURT: Okay. Anything before we break?

Proceedings

4035

1 MR. SCHOLAR: No, Your Honor.

2 THE COURT: No? Okay.

3 (A recess in the proceedings was taken.)

4 THE COURTROOM DEPUTY: All rise.

5 THE COURT: Everybody can sit down.

6 All right. Are we ready for the next witness?

7 MR. SCHOLAR: I think so.

8 THE COURT: Do you want to get -- maybe it's a good

9 idea --

10 MR. CANNICK: I will get him.

11 THE COURT: -- to have him here before the jury gets
12 out.

13 Who is it, by the way?

14 MR. SCHOLAR: It's Larry Hood.

15 THE COURT: Larry Hood, okay.

16 (Witness takes the stand.)

17 THE COURT: Just have a seat and we'll start in a
18 minute.

19 THE COURTROOM DEPUTY: All rise.

20 (Jury enters.)

21 THE COURTROOM DEPUTY: You may be seated.

22 THE COURT: All right, everybody. We're ready to
23 proceed.

24 Will you call your next witness?

25 MR. SCHOLAR: Yes, Your Honor. Larry Hood.

Proceedings

4036

1 THE COURT: Okay.

2 THE COURTROOM DEPUTY: Please stand and raise your
3 right hand.

4 (Witness sworn.)

5 THE COURTROOM DEPUTY: Thank you.

6 You may be seated.

7 THE COURT: Okay. Mr. Hood, you can take your mask
8 off, and then just pull the microphone a little closer to you.
9 A couple of things before we start. I want to make sure
10 everybody hears what you have to say, so speak into the
11 microphone. Don't speak too fast. It makes it harder for the
12 court reporter to do her job. She takes down everything that
13 you say.

14 THE WITNESS: Okay.

15 THE COURT: If there's a question that you don't
16 understand or want to have repeated, let me know and I will
17 have the lawyer rephrase it. And just do your best to answer
18 only the question that you are being asked.

19 THE WITNESS: Okay.

20 THE COURT: And, finally, let the lawyer --
21 whichever lawyer is asking you questions -- let the lawyer
22 finish speaking before you start speaking --

23 THE WITNESS: Okay.

24 THE COURT: -- that way, again, it's easier for the
25 court reporter.

Proceedings

4037

1 THE WITNESS: Okay.

2 THE COURT: Okay. Let's make sure your microphone
3 is on.

4 THE WITNESS: It's on now.

5 THE COURT: Yes, it is.

6 (Continued on next page.)

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Denise Parisi, RPR, CRF
Official Court Reporter

Hood - Direct - Scholar

4038

1 **LARRY HOOD,**

2 called as a witness, having been first duly
3 sworn/affirmed, was examined and testified as
4 follows:

5 **DIRECT EXAMINATION**

6 **BY MR. SCHOLAR:**

7 Q What do you do for a living?

8 A I buy and sell cars at the present time.

9 Q Do you know Robert Kelly?

10 A Yes, I do.

11 Q And do you see him in court today?

12 A Yes, I do.

13 Q Can you say something that he's wearing right now?

14 A Pardon me?

15 Q Can you point to something that he's wearing right now?

16 A He's wearing a gray suit.

17 THE COURT: Indicating the defendant.

18 **BY MR. SCHOLAR:**

19 Q And how did you know Robert Kelly?

20 A Well, I know him from grammar school.

21 Q Were you friends?

22 A Yes.

23 Q And did you know Mr. Kelly when he was a street
24 performer?

25 A Yes, I did.

Denise Parisi, RPR, CRR
Official Court Reporter

Hooe - Direc - Scholar

4039

1 Q And did you ever protect him while he was a street
2 performer?

3 A Yes, I did.

4 Q How did you protect him?

5 A I sat in the subway with him as he performed in the
6 subway, and as the people put the money in his bucket, I just
7 made sure that nobody bother him.

8 Q Where did Mr. Kelly perform on the streets?

9 MS. SHIHATA: Objection.

10 THE COURT: I don't really see the relevance. Let's
11 move on to something else.

12 BY MR. SCHOLAR:

13 Q At some point in time, did Mr. Kelly get a record deal?

14 A Yes, he did.

15 Q Did you provide protection once he got a record deal?

16 A Yes, I did.

17 Q Earlier on in his career, did you go on tour with
18 Mr. Kelly?

19 A Yes, I did.

20 Q And prior to selling cars, what did you do for a living?

21 A Chicago police officer.

22 Q When did you become a police officer?

23 A 1994, I was in the academy, and '95, I hit the streets.

24 Q Now, when you went on tour with Mr. Kelly, were you a
25 police officer?

Denise Parisi, RPR, CRF
Official Court Reporter

Hooch - Direct - Scholar

4040

1 A Yes, I was.

2 Q And in the earlier portion of his career when you went on
3 tour with Mr. Kelly, were you a police officer then?

4 A Not at the very beginning of his career, no.

5 Q And where did you go on tour with Mr. Kelly at the
6 beginning of his career?

7 A To overseas to Europe.

8 Q Did you ever see any under-aged performers performing
9 with Mr. Kelly?

10 A No, I did not.

11 Q Did you know a person by the name of Aaliyah?

12 A Yes I did.

13 Q How did you know Aaliyah?

14 A I was with Mr. Kelly when he met Aaliyah in her living
15 room.

16 Q Did you ever observe Mr. Kelly acting inappropriately
17 with Aaliyah?

18 A No, I did not.

19 Q Do you know a person named Angela?

20 MS. SHIHATA: Objection.

21 THE COURT: Overruled.

22 MS. SHIHATA: Regarding the name used, Your Honor.

23 MR. SCHOLAR: I apologize.

24 What was that name?

25 THE COURT: Can we see the parties at the side with

Sidebar

4041

1 the court reporter for just a minute?

2 (Sidebar.)

3 (Continued on next page.)

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Denise Parisi, RPR, CRF
Official Court Reporter

Sidebar

4042

1 (Sidebar conference held on the record out of the
2 hearing of the jury.)

3 THE COURT: Is this a situation where you would talk
4 to him about whatever name we're using for this witness?

5 MR. SCHOLAR: I thought she was being referred to as
6 Angela. I thought we were referring to her as Angela.

7 MS. SHIHATA: She testified as Angela last week.

8 THE COURT: Angela? So what's the best way to
9 let --

10 MS. SHIHATA: I think we could -- we have pictures
11 and evidence that have her real name for the jury only and
12 then her pseudonym.

13 THE COURT: I guess they will be referring to her
14 as -- let's do it that way.

15 Do you have those pictures that you can just loan to
16 him?

17 MS. SHIHATA: Yes. I will get them.

18 THE COURT: Thanks.

19 (Sidebar conference ends.)

20 (Continued on following page.)

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Hood - Direct - Scholar

4043

1 (In open court.)

2 MR. SCHOLAR: Your Honor, this is for the witness
3 and the jury only.

4 THE COURTROOM DEPUTY: Take it off for one minute.

5 THE COURT: There you go.

6 BY MR. SCHOLAR:

7 Q Do you recognize that person?

8 A Yes.

9 Q And for the trial, we'll be referring to her as Angela.

10 A Okay.

11 Q Did you know Angela?

12 A Yes.

13 Q How did you know Angela?

14 A She was just one of the young ladies that came around
15 when Aaliyah was around -- one of Aaliyah's little friends.

16 Q Did you ever see Mr. Kelly acting inappropriately with
17 Angela?

18 A No, sir.

19 Q After you became a police officer, did you also still
20 provide protection for Mr. Kelly?

21 A Yes, sir.

22 Q And what kind of protection did you offer him?

23 A Security as a bodyguard.

24 Q At some point in time, did you stop providing security
25 for Mr. Kelly early in his career?

Denise Parisi, RPR, CRR
Official Court Reporter

Hooch - Direct - Scholar

4044

1 A Yes.

2 Q Did you continue to work as a police officer in Chicago?

3 A Yes.

4 Q Did you also have a family?

5 A Did I have a family?

6 Q Yes.

7 A Yes.

8 Q And did you continue to speak to Mr. Kelly from that
9 point in time until about 2002?

10 A Yes.

11 Q In 2002, did Mr. Kelly contact you?

12 A Yes, he did.

13 Q After Mr. Kelly contacted you, did you go to Orlando,
14 Florida?

15 A Yes, I did.

16 Q And did you meet Mr. Kelly in Florida?

17 A Yes, I did.

18 Q What happened in Florida, if anything?

19 A Well, I was called down as a support system for him, and
20 I was just -- I just worked security for him while I was down
21 in Florida.

22 Q Were you on his payroll at that time?

23 A No, not at that time.

24 Q And when you say you provided security, what kind of
25 security did you provide him?

Denise Parisi, RPR, CRR
Official Court Reporter

Hooch - Direct - Scholar

4045

1 A Well, like I stated to you guys, I've always been a
2 friend of his, so he called me down in need of my support and
3 I went to support him.

4 Q And did you see him at different events in Florida?

5 A Yeah. We hung out down in Florida.

6 Q And when you hung out, did you manage the crowd in
7 Florida?

8 A Yes.

9 Q And how did you manage the crowd?

10 A Well, when we were out, we went and played basketball,
11 and I just made sure, you know, that his fans -- if he wanted
12 them to come up and sign autographs or whatever, I would, you
13 know, just, kind of, do the crowd control.

14 Q And after Florida, did you go back to Chicago?

15 A Yes.

16 Q Why did you go back to Chicago?

17 A Well, I only stayed in Florida a weekend. We went back
18 to Chicago, I had to go back to work, and at that time, I was
19 instructed by Mr. Kelly to --

20 MS. SHIHATA: Objection.

21 THE COURT: Well, don't tell us anything that he
22 told you.

23 You went back to Chicago?

24 THE WITNESS: Yes, ma'am.

25 THE COURT: All right.

Hooch - Direct - Scholar

4046

1 Go ahead.

2 BY MR. SCHOLAR:

3 Q And when you went back to Chicago, did you continue
4 working as a police officer?

5 A Yes, sir.

6 Q And did you become a security officer for Mr. Kelly?

7 A Yes.

8 Q And, if you could, could you describe for the jury what a
9 typical day was like for you being a police officer and
10 providing security services?

11 A Well, would you like to know my hours?

12 I worked with the Chicago Police Department from
13 1:00 p.m. to approximately 9:00, 9:30, and after I got off
14 work, I met up with Robert.

15 Q And then what would happen once you met up with Robert --
16 Mr. Kelly?

17 A Well, we would generally go to the gym for him to play
18 basketball.

19 Q What would happen next, if anything?

20 A After playing basketball?

21 Q Yes.

22 A We might go and sit at White Castle or go to McDonald's
23 and then back to the studio.

24 Q During that time, did you ever hand out Mr. Kelly's phone
25 number to women at the White Castle or McDonald's?

Hooch - Direct - Scholar

4047

1 A No, sir.

2 Q Did you ever recruit women for Mr. Kelly at these places?

3 A No, sir.

4 Q During this time, did you also provide Mr. Kelly with the
5 services of another Chicago police officer?

6 A Yes.

7 Q And who was that person?

8 A Well, it was just guys -- fellow police officers. If we
9 needed them, I would get them to come and work with me to
10 provide security for him.

11 Q Now, in the early days when Mr. Kelly went on tour, was
12 there a tour bus?

13 A Yes.

14 Q And now, 2002, when you went back to work with him, were
15 there more than one tour bus?

16 A Yes.

17 Q And how many tour buses were there?

18 A It was definitely two, but sometimes three.

19 Q And did you ride on those buses?

20 A I rode on one of the buses.

21 Q Which bus did you ride on?

22 A Just a bus we called the homie bus.

23 Q And who was on the homie bus?

24 A The homies.

25 Q And did the bus have a bathroom?

Denise Parisi, RPR, CRR
Official Court Reporter

Hooch - Direct - Scholar

4048

1 A Yes, it did.

2 Q Did it have a kitchen?

3 A Yes.

4 Q Did it have a sleeping area?

5 A Yes.

6 Q Did the tour buses stop for bathroom breaks?

7 A Yes, it did.

8 Q And did the tour buses stop so people could eat?

9 A Yes.

10 Q When the tour buses stopped, what were your duties as
11 security?

12 A Just to make sure that, you know -- that we didn't have
13 any unruly fans, you know.

14 Q And when you went to a new location to perform on a
15 scheduled night, would you advance the area?

16 A Yes, I did.

17 Q What do you mean by the term "advance"?

18 A When you advance the area, you would -- say we would go
19 to a different state and we would be in the city, and once we
20 got in the hotel rooms, I would go up and check his room to
21 make sure it was all clear. Or if we was going to a venue, I
22 would go on the venue and check out all the exits and, you
23 know, the strategies of the venue of where we would be.

24 Q Now, during the time that you provided security for
25 Mr. Kelly, did you ever see him with underage women?

Denise Parisi, RPR, CRF
Official Court Reporter

Hood - Direct - Scholar

4049

1 A No, sir.

2 Q During that time, did you ever see him strike any female?

3 A No, sir.

4 Q Did you ever see him observe -- sorry, withdrawn.

5 Did you ever see him stop anyone from eating?

6 A No, sir.

7 Q And did you ever see him prevent anyone from leaving a
8 room?

9 A No, sir.

10 Q Did you ever see Mr. Kelly lock a woman in a room?

11 A No, sir.

12 Q And did you ever lock a woman in a room?

13 A No, sir.

14 Q Did -- withdrawn.

15 As security as a police officer, were you ever made
16 aware of any woman being locked in a room?

17 A No. If I was ever to be made aware of a woman being
18 locked in a room, as a police officer, I would have to take --
19 take some action against that.

20 Q Did you take any action of any type with respect to
21 Mr. Kelly --

22 A No. I never had to take any action. I was never made
23 aware of any wrongdoing.

24 Q Were you aware of any woman being kept in a room for days
25 without eating or drinking?

Denise Parisi, RPR, CRF
Official Court Reporter

Hoog - Direct - Scholar

4050

1 A No, sir.

2 Q And you were an active police officer during this entire
3 time from 2002 to 2004?

4 A Yes, sir.

5 Q And you stopped providing security services for Mr. Kelly
6 in 2004?

7 A Yes.

8 Q And why was that?

9 A They stopped paying me on leave because -- his accountant
10 called me to the office and said that they wasn't -- they
11 couldn't afford to pay me anymore.

12 Q Did you stop being his friend?

13 A Pardon me?

14 Q Did you stop being his friend?

15 A No, sir.

16 Q Though you have been his friend for this amount of time,
17 would you lie for him?

18 A No, I would not.

19 Q Now, did you leave the police department at some point?

20 A In 2007, yes.

21 Q And did you leave in good standing with your pension?

22 A Yes, I left in good standing with my pension.

23 Q And when did you begin selling cars?

24 A Probably about two years after.

25 MR. SCHOLAR: Thank you. Nothing further.

Denise Parisi, RPR, CRR
Official Court Reporter

Hood - Cross - Shihata

4051

1 THE COURT: All right. Thank you.

2 Cross-examination.

3 MS. SHIHATA: Yes.

4 CROSS-EXAMINATION

5 BY MS. SHIHATA:

6 Q Good morning.

7 A Good morning.

8 Q Now, Mr. Hood, you are a childhood friend of the
9 defendant; correct?

10 A Yes, ma'am.

11 Q I think you said you met him in grammar school?

12 A Yes, ma'am.

13 Q Did you also live in the same neighborhood growing up?

14 A Well, not in the immediate same neighborhood.

15 Q Close by?

16 A Close, yeah.

17 Q Would you see each other pretty much every day growing
18 up?

19 A Every day.

20 Q And you went to the same school as well; correct?

21 A Yes, ma'am.

22 Q Including the same high school?

23 A Yes, ma'am.

24 Q That was Kenwood Academy?

25 A Yes, ma'am.

Hoog - Cross - Shihata

4052

1 Q Were you in the same grade?

2 A Yes. We graduated grammar school and went to high school
3 together, yeah.

4 Q Okay. And you graduated from Kenwood Academy?

5 A I graduated, yes.

6 Q The defendant did not graduate; correct?

7 A No, he did not.

8 Q He dropped out in his senior year?

9 A No. It was before senior year.

10 Q Before his senior year?

11 A Yes, ma'am.

12 Q Okay. And you said at some point you became security for
13 the defendant; is that right?

14 A Yes, ma'am.

15 Q And, by the way, what year did you graduate from Kenwood
16 Academy?

17 A 1986.

18 Q Now, after you graduated from Kenwood Academy, did you
19 continue to hang out there?

20 A Did I continue to hang out at Kenwood Academy?

21 Q Yes.

22 A No, ma'am.

23 Q How about the defendant? Did he?

24 A I don't know.

25 Q You don't know?

Hogg - Cross - Shihata

4053

1 A I don't, ma'am.

2 Q Okay. And, now, in the early days at the start of the
3 defendant's career, you were with him a lot; correct?

4 A Yes, ma'am.

5 Q And back in the early '90s, you saw Demetrius Smith with
6 the defendant; correct?

7 A Yes, ma'am.

8 Q And Demetrius went by the nickname Johnny; correct?

9 A Johnny, yes.

10 Q And he ended up being the defendant's road manager for a
11 period of time; right?

12 A Yes, ma'am.

13 Q And, for a period of time, you acted as his -- as the
14 defendant's personal security.

15 A Yes, ma'am.

16 Q Now, around 1991, the defendant had an apartment in a
17 building called the Burnham at 40 East 9th Street, the corner
18 of 9th Street and Wabash Avenue in Chicago; correct?

19 A Yes.

20 Q And you spent time at that apartment; correct?

21 A Yes, I did.

22 Q And that was a two-bedroom apartment?

23 A Yes, it was.

24 Q And the defendant would have guests at that apartment;
25 correct?

HooG - Cross - Shihata

4054

1 A Not guests that I knew of.

2 Q You never saw a single guest when you were at the
3 apartment on 9th and Wabash; is that your testimony?

4 A No, ma'am.

5 Q Never saw a single guest?

6 A No.

7 Q How often were you there?

8 A I actually only stayed with him at that apartment for
9 maybe a month.

10 Q You were living there?

11 A Yeah. I lived there for about a month.

12 Q Apart from living there, did you ever go to that
13 apartment when you weren't living there?

14 A Yes, I did.

15 Q Is it your testimony that each time you were there, it
16 was just you and the defendant?

17 A Sometimes I would be there by myself.

18 Q That's not my question, sir.

19 I said, were there times when other people other
20 than you and the defendant were at that apartment?

21 A At the -- when I was there, it was just him.

22 Q So you were never at that apartment with anybody else
23 either in the month you were living there or the times you
24 stopped by the apartment --

25 A No, ma'am.

Hogg - Cross - Shihata

4055

1 Q -- that's your testimony?

2 Okay. Now, you mentioned you met Aaliyah with the
3 defendant; correct?

4 A Yes.

5 Q That was before she was famous; right?

6 A Yes.

7 Q And that was in Detroit?

8 A In Detroit.

9 Q And that was at her family home?

10 A At her family home.

11 Q She was living with her parents at the time?

12 A Yes, ma'am.

13 Q Older brother?

14 A Yes.

15 Q And Aaliyah was Barry Hankerson's niece; correct?

16 A Yes. Yes, she was.

17 Q Back in the early '90s, Barry Hankerson was the
18 defendant's manager; correct?

19 A Yes.

20 Q And, in fact, you met Aaliyah in Detroit around 1992 or
21 so; is that right? Or before that.

22 A Which -- whichever year it was.

23 Q Well, which year do you think it was?

24 A I -- I do not have recollection of the year it was, but
25 it was when he first met her, I was there with him.

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Official Court Reporter

Hogg - Cross - Shihata

4056

1 Q And who else was there?

2 A Her mother, her father, and her younger brother. I think
3 her brother was younger than her, I think.

4 Q Who else was there? Was it just you and the defendant or
5 anyone else with the defendant?

6 A No. It was me and the defendant.

7 Q How about Barry Hankerson? Was he there?

8 A I don't recall whether Barry was there or not. I
9 don't -- I don't think so.

10 Q And I know you don't remember the exact year, but fair to
11 say she was around 12 or 13 years old at the time?

12 A Yeah, approximately.

13 Q And you knew that; correct?

14 A No, I didn't -- I didn't know her age.

15 Q Well, could you tell her age by looking at her?

16 A Yeah, she -- she was a young lady, yes.

17 Q Now, the defendant ended up working with Aaliyah;
18 correct?

19 A Yes.

20 Q And Aaliyah traveled from Detroit to Chicago to record
21 her first album; right?

22 A Yes.

23 Q And that was at.

24 (Court reporter clarification.) Recording Studios;
25 correct?

Hooa - Cross - Shihata

4057

1 A

2 (Court reporter clarification.).

3 Q And the defendant wrote and produced her first album;
4 correct?

5 A Correct.

6 Q That was called "Age Ain't Nothing But a Number";
7 correct?

8 A Correct.

9 Q And there was also a titled song with that same name on
10 that album; correct?

11 A Yes.

12 Q And you've heard that song before; correct?

13 A Yes.

14 Q And it's about a young girl trying to convince an older
15 man to, quote, go all the way; correct?

16 MR. SCHOLAR: Objection.

17 THE COURT: Sustained.

18 BY MS. SHIHATA:

19 Q Now, Aaliyah was about 14 when she recorded the album;
20 correct?

21 A Approximately, yes.

22 Q Now, you testified on -- well, actually, withdrawn.

23 At some point, you became aware that the defendant
24 married Aaliyah; correct?

25 MR. SCHOLAR: Objection, Judge.

Hogg - Cross - Shihata

4058

1 THE COURT: Overruled.

2 A I don't understand what you are asking me.

3 Q At some point, you became aware that the defendant
4 married Aaliyah; correct?

5 A I wasn't present.

6 Q That's not my question, sir.

7 Did you become aware of that?

8 A Later. Later in life, yes.

9 THE COURT: When you say "later in life," what do
10 you mean?

11 THE WITNESS: I -- I wasn't aware of it when it
12 happened.

13 THE COURT: I see.

14 Go ahead.

15 MS. SHIHATA: Okay.

16 BY MS. SHIHATA:

17 Q So you weren't at the marriage ceremony; correct?

18 A No, I was not.

19 Q And you didn't see it with your own eyes; correct?

20 A No, ma'am.

21 Q But that doesn't mean it didn't happen; correct?

22 MR. SCHOLAR: Objection, Judge.

23 THE COURT: Sustained.

24 BY MS. SHIHATA:

25 Q Now you testified you became a Chicago police officer

Hooe - Cross - Shihata

4059

1 around 1994; correct?

2 A Yes. August of '94.

3 Q And you remained a Chicago police officer for several
4 years after that; right?

5 A Yes, ma'am.

6 Q In fact, you stayed on the force until approximately
7 2007; correct?

8 A Yes, ma'am.

9 Q And the defendant knew you were working as a police
10 officer; right?

11 A Yes.

12 Q So from 1994 to 2007, that's about 13 years; right?

13 A Yes, ma'am.

14 Q And so during those 13 years, the defendant knew that you
15 were -- one of his closest friends were on the police force;
16 correct?

17 MR. SCHOLAR: Objection, Judge, to "knew."

18 THE COURT: Sustained as to form.

19 BY MS. SHIHATA:

20 Q Did the defendant know that you worked as a police
21 officer?

22 A Yes, ma'am.

23 MR. SCHOLAR: Objection.

24 BY MS. SHIHATA:

25 Q Did he know that for the entire period of 13 years that

Hogg - Cross - Shihata

4060

1 you --

2 MR. SCHOLAR: Objection, Judge.

3 Q -- worked as a police officer?

4 THE COURT: Overruled.

5 BY MS. SHIHATA:

6 Q You can answer.

7 A Yes, ma'am.

8 Q And I think you testified on direct that you continued to
9 work security for the defendant when you weren't on duty as a
10 police officer; is that right?

11 A Yes.

12 Q And that you had sometimes brought on other members of
13 the Chicago Police Department to work security for the
14 defendant --

15 A Yes.

16 Q -- is that right?

17 Who did you bring on?

18 A Just fellow officers.

19 Q What were their names?

20 A I -- I can't recall.

21 Q A single one?

22 A Well, yes, Ricky Bell. I also had a friend that was a
23 county sheriff; his name was Louis Smith. Chauncey Moore.

24 Q Now, you were aware of other people that worked as
25 security for the defendant; is that right?

Hooe - Cross - Shihata

4061

1 A Yes.

2 Q And I'm showing you -- I'm showing you what's in evidence
3 as Government's Exhibit 19.

4 MS. SHIHATA: This is going to be public, please.

5 (The above-referred to exhibit was published.)

6 BY MS. SHIHATA:

7 Q Do you recognize this person?

8 A Yes.

9 Q Who is that?

10 A Ronald Hardy.

11 Q And what did he do for the defendant?

12 A Security.

13 Q And did he go by any nicknames?

14 A Pardon me?

15 Q Did he go by any nicknames?

16 A Called him Hardy.

17 Q I'm showing you what's in evidence as Government's
18 Exhibit 23.

19 (The above-referred to exhibit was published.)

20 BY MS. SHIHATA:

21 Q Do you recognize this person?

22 A No.

23 Q You don't recognize this person?

24 A No, I do not.

25 Q Now, you talked about a person that, for purposes of the

Hooe - Cross - Shihata

4062

1 trial, we're referring to as Angela.

2 Do you recall that testimony?

3 A Yes.

4 Q And I think you mentioned she was, I think you said one
5 of Aaliyah's little friends.

6 A Yes.

7 Q And you saw her around in the early days; is that
8 correct?

9 A Yes.

10 Q And you saw her at the studio; is that right?

11 A At the studio.

12 Q

13 (Court reporter clarification.)?

14 A Yes.

15 Q And you saw her with some other people as well; correct?

16 A Yes.

17 Q Someone who went by the name Tiffany?

18 A Tiffany.

19 Q And what was -- just use her first name, please.

20 What was Tiffany doing at the studio?

21 A Same thing. One of Aaliyah's girlfriends.

22 Q Did Tiffany record music at the studio?

23 A Yeah. I think -- I think they were just, like, some
24 little hype girls or something, you know.

25 Q They were Aaliyah's hype girls?

Hood - Cross - Shihata

4063

1 A Pardon me? Yeah, Aaliyah's little hype girls.

2 Q And did you ever go on tour -- were you ever on a tour
3 where Aaliyah was present?

4 A No, I don't recall being on a tour with -- with Aaliyah.

5 Q Now, Tiffany and Angela -- the person we're referring to
6 as Angela -- they were in a group with a third person called
7 Second Chapter; correct?

8 A I don't know of any group they ran.

9 Q When you saw them hanging out at the studio, they were
10 under age; correct?

11 A I don't know what their ages were.

12 Q Well, you testified earlier you never saw anyone under
13 age around. Fair to say you weren't checking IDs?

14 A No, I -- I wasn't checking IDs at the studio with the --

15 Q So that's a no, you weren't checking IDs? That's a no,
16 you weren't checking?

17 A At the studio, no, I was not checking IDs.

18 Q Now, you testified -- I believe you testified on direct
19 examination that you left the police department in 2007 in
20 good standing with your pension. That was your testimony.

21 A Yes, ma'am.

22 Q Mr. Hood, isn't it true that you left the police
23 department in 2007 because you were convicted of felony
24 forgery?

25 A I pled on a felony, and I left the department in good

Hooe - Cross - Shihata

4064

1 standing with my pension.

2 Q Your testimony is that with a felony conviction, you left
3 the department in good standing; that's your testimony?

4 A Yes.

5 Q And, in fact, that felony forgery conviction was related
6 to the use of counterfeit hundred dollar bills; correct?

7 A Yes.

8 Q You were trying to get a money order using counterfeit
9 hundred dollar bills that were, in fact, five dollar bills;
10 correct?

11 A I wasn't aware of it.

12 Q You weren't aware of it?

13 A No, ma'am.

14 Q You pled guilty under oath in a court of law to that
15 crime; correct?

16 A Yes.

17 Q And you're saying you weren't telling the truth then?

18 A I was not aware that the money was fake.

19 Q So you weren't telling the truth under oath in court when
20 you pled guilty?

21 A Yes.

22 Q And your under oath in court here today; correct?

23 A Yes, ma'am.

24 MS. SHIHATA: Nothing further.

25 THE COURT: Any redirect?

Proceedings

4065

1 MR. SCHOLAR: Nothing further, Judge.

2 Thank you.

3 THE COURT: Okay.

4 Thanks so much. You can step down.

5 THE WITNESS: Thank you.

6 (Witness excused.)

7 THE COURT: Are you ready to call your next witness?

8 MR. SCHOLAR: Judge, the witness was not scheduled
9 to be here until after lunch.

10 THE COURT: Okay. We will do an early lunch today.

11 MR. SCHOLAR: Thank you.

12 THE COURT: Okay, folks. We'll break for an early
13 lunch, and I think we will come back at -- let's come back at
14 two o'clock.

15 Please don't talk about the case at all. We'll see
16 you in a little bit.

17 THE COURTROOM DEPUTY: All rise.

18 (Jury exits.)

19 THE COURT: All right. Everybody can sit down.

20 What's does the afternoon look like? You've got
21 another witness?

22 MR. SCHOLAR: Yes, Judge. If we could have a sidebar?

23 THE COURT: Sure. Let's bring the court reporter.

24 (Sidebar.)

25 (Continued on next page.)

Sidebar

4066

1 (Sidebar conference held on the record out of the
2 hearing of the jury.)

3 THE COURT: Both of you?

4 MR. SCHOLAR: Yes.

5 So we have another witness after lunch, it's Keyonia
6 Jones, and I just wanted to know if -- she was being called
7 for a very limited purpose --

8 MS. GEDDES: Right.

9 MR. SCHOLAR: -- which was to discuss her meeting
10 Jerhonda Pace --

11 MS. GEDDES: Right.

12 THE COURT: Her meeting?

13 MR. SCHOLAR: -- her meeting Jerhonda Pace. I
14 wanted to know if you were going to allow any admission of
15 hearsay with respect to that either on direct or cross.

16 THE COURT: That's such an open-ended question. I
17 need a little more.

18 MR. CANNICK: I guess, Your Honor, what's going on
19 is that we want to call her to just elicit testimony about
20 this party that Jerhonda testified about going to and what
21 happened when she got to the party. We're only calling her
22 for that purpose, and if it's a situation where I think the
23 Government has interviewed her, and I know that interview they
24 got some hearsay information from her, and we just want to
25 make sure that the Court is alerted to it that she doesn't

Sidebar

4067

1 have any firsthand knowledge of the relationship between Kelly
2 and Jerhonda, and we don't want the -- we just want to flag
3 the fact that the Government may try to bring out information
4 that's hearsay about a relationship.

5 MS. GEDDES: I have no intention --

6 MR. CANNICK: Okay.

7 MS. GEDDES: -- of bringing out hearsay.

8 MR. SCHOLAR: Of the relationship?

9 THE COURT: She's not bringing out any -- I mean, I
10 know what --

11 MR. CANNICK: We will just jump up and say hearsay.

12 THE COURT: I think I know what hearsay is, so I'm
13 not too concerned about being able to identify it. I'm just
14 trying to figure out what you want me to do, because it sounds
15 to me -- and I don't know anything about this witness -- it
16 sounds to me like you want to make sure that she only
17 testifies about the part that you want her to testify about
18 and you don't want the Government to ask her any other
19 questions.

20 MR. CANNICK: Any other questions about hearsay. As
21 long as she's --

22 THE COURT: Don't ask hearsay.

23 MS. GEDDES: Done.

24 THE COURT: All right. Is that it?

25 MR. SCHOLAR: That's it. Thank you.

Sidebar

4068

1 Is there anybody after that?

2 MR. SCHOLAR: That was the last one.

3 THE COURT: Okay. So it's fine.

4 What's our universe of witnesses for tomorrow?

5 MR. SCHOLAR: We may have three witnesses. It would
6 be possibly an accountant, a studio engineer, and a -- one of
7 the Perryman, P-E-R-R-Y-M-A-N.

8 MR. CANNICK: The twins as well.

9 MR. SCHOLAR: And the twins. That should get us
10 through the morning, and I have a question -- I have a CJA
11 interview with Southern District tomorrow. They moved it from
12 10:00 to 4:15, and I was wondering if you would be able to --

13 THE COURT: I hardly ever say no, but what I really
14 want to know, for everyone's sake, is when we're going to be
15 done.

16 MR. SCHOLAR: I think we'll be done Wednesday --
17 Wednesday morning, I think we'll be finished with witnesses.

18 THE COURT: Okay. And are you anticipating calling
19 the defendant, or you don't know yet?

20 MR. CANNICK: Right now we don't think we are, but
21 we -- you know, it could change.

22 THE COURT: Here's my concern. I mean, in any case
23 that goes on for a long time, I'm always concerned about
24 keeping the jury together. I'm obviously especially concerned
25 about it in these unprecedented times, and I also want to keep

Sidebar

4069

1 everything moving. So it sounds like we're not going to have
2 a full day tomorrow, but we can -- I mean, I can give you -- I
3 hope I can give you the charge. I don't think there's a whole
4 lot of dispute about the charge. I could be missing
5 something, but -- and then I know, you know, which happens in
6 every single trial ever, that everybody wants to sum up on the
7 same day, and if we can do that, we will. But if we can't,
8 we're not. I just don't want to give an afternoon off, and
9 then charge on Friday, it's late, if I don't have to. I want
10 to use our time as wisely as I can.

11 That being said, I'm really trying to give you some
12 leeway here on your case, you know, in terms of filling up the
13 day, and I will do that, but I really want to get this case to
14 the jury this week if we can do it.

15 MR. CANNICK: Your Honor, might I make a suggestion?

16 THE COURT: Of course.

17 MR. CANNICK: And I haven't discussed this with the
18 investigator who is lining these witnesses up, nor have I
19 discussed it with Mr. Scholar, but maybe we could bring all of
20 our witnesses in on Wednesday and then sum up on Thursday.

21 THE COURT: And what's happening tomorrow?

22 MR. CANNICK: Tomorrow, get all of them lined up;

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Sidebar

4070

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
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12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 MR. CANNICK: We have witnesses coming in.

25 THE COURT: Okay.

Denise Parisi, RPR, CRR
Official Court Reporter

Sidebar

4071

1 MR. CANNICK: It's just that I was thinking that for
2 efficiency sake, we could call them all on one day.

3 THE COURT: But who knows what's going to happen.
4 So none of them can come this afternoon, I take it.

5 MR. CANNICK: No. They are out of state. Chicago,
6 LA, and Florida.

7 THE COURT: Okay.

8 MR. SCHOLAR: That's part of the problem with the
9 funds and trying to line them up, and having to volunteer,
10 maybe, not getting reimbursed.

11 MR. CANNICK: Especially last-minute airfares.

12 THE COURT: Are you anticipating having a rebuttal
13 case?

14 MS. GEDDES: Not so far, but I don't know -- I mean,
15 having not seen a single piece of 3500 material, I have no
16 idea what they're going to say, so...

17 THE COURT: All right.

18 MR. CANNICK: I haven't either.

19 MS. GEDDES: Wait. I'm sorry, just one other thing.
20 So what time do you think you will finish on Wednesday? Do
21 you think it will just be the morning?

22 MR. CANNICK: Probably just the morning, but he
23 would know better than I.

24 MR. SCHOLAR: Probably the morning.

25 MS. GEDDES: So when would I sum up? On Wednesday

Sidebar

4072

1 afternoon?

2 THE COURT: I think so, yes.

3 MS. GEDDES: Okay.

4 THE COURT: Believe it or not, I once was a trial
5 lawyer. Everybody wants to have their schedule fit just
6 perfectly, it rarely ever does, but I'm also obviously aware
7 of how unfun it is to be summing up at 4:45, you know,
8 watching people yawn at you -- of course that never happened
9 to me -- so I am aware of that, but I really want to make good
10 use of our time, so we'll see how far we can get.

11 I won't do what Judge Johnson does, which is ask in
12 front of the jury how long your summation will be.

13 MR. CANNICK: Do you anticipate your statement all
14 of Wednesday afternoon?

15 MS. GEDDES: Yes.

16 MR. CANNICK: Okay.

17 MS. GEDDES: I mean, I think it will be about three
18 hours.

19 THE COURT: Yes, and then you can come up the next
20 day, and then they can do their rebuttal summation, and then
21 we'll charge hopefully in the afternoon --

22 MR. CANNICK: In the afternoon.

23 THE COURT: -- and then, at some point, I guess -- I
24 haven't gone over every single word of the charge, which I
25 would like to do, so maybe -- is that going to be your

Sidebar

4073

1 bailiwick?

2 MR. SCHOLAR: Yes.

3 THE COURT: All right. So let me see what I can
4 accomplish over lunch just so the larger issues we have
5 resolved, and then what I will try to do is get it to you --
6 we'll get it done today. I'm looking at the smarter person in
7 the group. All right.

8 MS. GEDDES: Do you want a -- I assume you probably
9 know this already, but do you want a list to identify the Jane
10 Does with the names that they testified in trial since the
11 jury obviously doesn't know their Jane Doe number? I think in
12 the indictment, it lists a Jane Doe number, and we should
13 probably substitute the actual name that they testified --

14 THE COURT: In the indictment?

15 MS. GEDDES: In the jury charge where we repeat the
16 indictment. Like where it says --

17 THE COURT: We can, except I give the charge in open
18 court.

19 MS. GEDDES: Oh, no. I meant the pseudonyms that
20 they went under.

21 THE COURT: The pseudonyms, all right. That makes
22 sense.

23 Just, parenthetically, there was a request to fix
24 some very mechanical -- there's a wrong citation or something
25 in the charge. You don't have any problem with fixing that?

Sidebar

4074

1 MR. SCHOLAR: No.

2 THE COURT: I'm trying to think if there's any other
3 ministerial part of that.

4 Oh, and just in terms of -- it's my practice --
5 well, the jury will be in -- I keep forgetting -- they will be
6 in Judge DeArcy Hall's courtroom, and if they want to review
7 video evidence, I want them to be able to do it in there. I
8 don't like to bring jurors back in to do that because I think
9 it inhibits their ability to discuss it, so I'm assuming there
10 will be a method to do that.

11 MS. GEDDES: We have been talking about it and
12 trying to identify one, but we agree that that would be the
13 most prudent way to do it.

14 THE COURT: We usually do it -- and maybe the other
15 much smarter person in this courtroom can remind me what we
16 do, because we always do that, so --

17 MS. GEDDES: Great.

18 THE COURT: All right.

19 MR. CANNICK: Two o'clock?

20 THE COURT: Two o'clock.

21 (Sidebar conference ends.)

22 (Continued on following page.)

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1 (In open court.)

2 THE COURT: Okay. We've just been talking about
3 scheduling, and just given what I've been told about when
4 people are available, we'll have a little bit of downtime,
5 which is perfectly fine. I guess we'll probably finish a
6 little bit early today, and then tomorrow there are witnesses
7 through lunch, you think?

8 MR. SCHOLAR: I believe so, Judge, yes.

9 THE COURT: Okay. And then perhaps because of the
10 afternoon, maybe it makes sense to -- to the extent there's
11 really anything to discuss about the charge, we can discuss
12 it, you know, maybe, like, from 1:00 to 2:00, then we'll be
13 done for the rest of the day? Does that make sense?

14 MR. CANNICK: Yes.

15 THE COURT: What I plan to do is incorporate all of
16 the things that you agree on. I don't think there's a lot of
17 dispute about the charge, but I hope to get that to you at the
18 end of the day today so you can review it and let me know if
19 there are changes to be made.

20 One thing that we also discussed was just apparently
21 a ministerial fix to the indictment in terms of the language
22 to be used, as well as substituting the pseudonyms that were
23 used for the various witnesses for that Jane Doe
24 identification in the indictment. It sounds like nobody has a
25 problem with that.

Proceedings

4076

1 MR. SCHOLAR: Correct.

2 THE COURT: Okay.

3 Anything else that we need to put on the record?

4 Oh, and I just need to make -- Mr. Scholar, I know you have a
5 lot on your plate, but I do just need to make a ruling on that
6 about that prior inconsistent statement with regard to
7 Mr. Smith, and I think he was shown the testimony; correct?

8 MS. CRUZ MELENDEZ: He was, on multiple occasions.

9 THE COURT: All right. So we'll try to resolve that
10 as quickly as we can.

11 Anything else that we need to put on the record?

12 Okay. Have a good lunch.

13 (A recess in the proceedings was taken.)

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Proceedings

4077

1 AFTERNOON SESSION

2 (In open court; jury not present.)

3 THE COURTROOM DEPUTY: All rise.

4 THE COURT: Everybody can have a seat.

5 (Defendant present.)

6 THE COURT: Okay, we are ready to continue. I
7 understand you had a little hang up with your witnesses.

8 MR. SCHOLAR: Yes, Your Honor, during the lunch
9 break we were able to speak to our investigator and he has to
10 do a little more investigation with respect to that third
11 witness. We may still call her, but we are not in a position
12 to call her today.

13 THE COURT: I see. Is it a very long witness?

14 MR. SCHOLAR: No, she is not a very long witness.

15 THE COURT: This is the one we discussed?

16 MR. SCHOLAR: Yes, Judge.

17 THE COURT: I see. Is that a person who is local?

18 MR. SCHOLAR: Judge, she's not, but we are working
19 diligently trying to find funds to pay for lodging and travel
20 as well.

21 THE COURT: All right. Is there anything else that
22 we can accomplish this afternoon? I guess we really -- you're
23 reserving on your motions; right?

24 MR. SCHOLAR: I am, Your Honor.

25 THE COURT: I guess we will excuse the jury early

Proceedings

4078

1 then.

2 Anything from the Government?

3 MS. GEDDES: Just that we again request a list of
4 the witnesses that the defense intends to call Wednesday.

5 THE COURT: Didn't we already resolve that?

6 MS. GEDDES: I don't think we know for Wednesday and
7 I think we also haven't received pedigree information for the
8 witnesses from Friday night so that we can identify some of
9 them.

10 MR. CANNICK: I was just speaking with the
11 investigator and he is waiting for me and I will go back and
12 make sure that we send whatever pedigree information we have
13 for the witnesses and also confirm who is on tomorrow and then
14 whose -- confirm for Wednesday, and if not confirm, at least
15 we will send their information as well.

16 THE COURT: All right. I know that you had a couple
17 of people on reserve that you were thinking about. If you can
18 turn those over too, I don't think there is any reason not to.

19 MR. CANNICK: Yes.

20 THE COURT: That's what I want you to do. All
21 right. Let's get the jurors.

22 THE COURTROOM DEPUTY: All rise.

23 (The jury enters the courtroom.)

24 THE COURTROOM DEPUTY: You may be seated.

25 THE COURT: All right. Good afternoon, everybody.

Proceedings

4079

1 It turns out that the witness we were expecting this afternoon
2 isn't able to be called. It doesn't really change our
3 schedule too much. But what that means is you have the
4 afternoon off. So I don't know if that's good news or bad
5 news, but it isn't derailing our schedule at all.

6 So we are going to continue tomorrow. Tomorrow will
7 also be on the short side. It will probably be just the
8 morning again. This doesn't derail our plans. I expect to
9 give you the case by the end of the week, probably on
10 Thursday. But that's subject to a little change, so I don't
11 want to over promise. But I do want to assure you that this
12 is not going to take us off schedule.

13 So I am going to excuse you for the day. I will see
14 you tomorrow. Please don't look up anything about the case,
15 talk about the case at all. As I think I told you when you
16 were selected, these rules about not discussing it and not
17 looking it up are going to go right until the very end of the
18 case, right until you deliberate and reach a verdict. That is
19 a reminder.

20 I hope you have a good rest of the day and I will
21 see you tomorrow. Thank you very much.

22 THE COURTROOM DEPUTY: All rise.

23 (Jury exits the courtroom.)

24 THE COURT: All right. Everybody can be seated.

25 So, just to review the outstanding things that I

Proceedings

4080

1 need to decide. I think the only question that I have to
2 decide is whether or not that prior inconsistent statement
3 comes into evidence and you are going to give me a response on
4 that, right, Mr. Scholar?

5 MR. SCHOLAR: Yes, Your Honor.

6 THE COURT: What's the other thing?

7 MS. CRUZ MELENDEZ: I just wanted to clarify. I
8 believe on Saturday defense submitted a motion to dismiss
9 racketeering act one. The Government responded yesterday with
10 respect to that and also provided additional supplemental jury
11 charge.

12 THE COURT: Right. I saw that. That seemed to be a
13 little bit premature because all the evidence wasn't in. Do
14 you want to supplement that motion to dismiss the racketeering
15 act one?

16 MR. SCHOLAR: Judge, it was more so to illustrate
17 the jury charge as opposed to a formal motion to dismiss.

18 THE COURT: Okay. So it's not a motion to dismiss?

19 MR. SCHOLAR: No, that will be included in the
20 motion we're making.

21 THE COURT: Okay. Until I get that, I will assume
22 there is no motion to dismiss now. Obviously you've reserved,
23 so we will hear from you on that.

24 So we will get you the charge I hope later this
25 afternoon. What I would like to do, as we said before, is

Proceedings

4081

1 tomorrow to go over it. I don't mean go over it in court.
2 What I want you to do is go over it and then tell me if there
3 is anything that you want to have added. I think that's the
4 most efficient way to do it, or anything that you want to have
5 added or that I have left out or something that you want to
6 take out, anything like that.

7 Anything else?

8 MS. GEDDES: Just briefly, with respect to the
9 recordings, I think Your Honor has now ruled that we can
10 provide the audio with the redactions that we discussed at
11 sidebar, as well as the victims' names.

12 THE COURT: Yes.

13 MS. GEDDES: So we will start to do that.

14 And then I think there is an outstanding motion with
15 respect to the defendant's medical records and whether those
16 can be provided.

17 THE COURT: That's right. If someone can show me a
18 copy of what's actually in evidence.

19 I take Mr. Scholar's point as a general matter about
20 -- I don't know that HIPAA applies, but I think that's usually
21 directed to the doctor, but it is evidence in the case about
22 which there was testimony from the physician, and so, with
23 appropriate redactions, things that aren't relevant, social
24 security numbers, and things like that need to come out. But
25 I believe the doctor testified using the medical records, so

Proceedings

4082

1 that can also go out with appropriate redactions.

2 MS. GEDDES: All right. So Government Exhibit 237,
3 which are the medical records, it doesn't contain any
4 personally identifiable information with respect to social
5 security numbers or anything like that and has already been
6 redacted. So I think that, based on what Your Honor is
7 saying, can now go to the outlet who requested it.

8 THE COURT: Why don't I just take a quick look at
9 it.

10 Do you have a copy of it, Mr. Scholar?

11 MR. SCHOLAR: What exhibit is it?

12 MS. GEDDES: 237.

13 MR. CANNICK: Your Honor, as Mr. Scholar looked
14 through the medical records, I'm just thinking that maybe,
15 given the Court's ruling, that the only thing that should be
16 released is that portion that is germane to the testimony that
17 was received and not his full medical history, his whole
18 medical history is not relevant to --

19 THE COURT: Well, it's not really in there. There
20 are huge portions that are redacted. The only thing that is
21 in there has to do with what the testimony was.

22 I want to see the parties at the side with the court
23 reporter about one aspect which is not particularly exciting,
24 but I want to know whether it needs to be in there.

25 (Sidebar held; continues on next page.)

Sidebar

4083

1 (Sidebar conference held on the record out of the
2 hearing of the jury.)

3 THE COURT: The only thing that I have a question
4 about is, and maybe this is more about me than anything else,
5 it has his height and weight. Do we need that?

6 MR. SCHOLAR: I would say no.

7 THE COURT: I don't see why it matters. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 MS. SHIHATA: We can redact that. That's fine. The
11 only part that was relevant about it, the change to the EMR
12 system, electronic medical records.

13 THE COURT: There was testimony --

14 MR. SCHOLAR: Yes.

15 THE COURT: There was testimony about that?

16 MS. SHIHATA: That's why that part was left
17 unredacted.

18 THE COURT: I think to be extra careful, I think we
19 can have that to ask to come in to register since office
20 changed to EMR, that will stay in, what comes afterwards.

21 MS. SHIHATA: Do you mind if I dog ear the page?

22 THE COURT: Not at all. Just that second part,
23 which, again, is not particularly exciting, but it is also not
24 very relevant.

25 We can go back on the record.

Sidebar

4084

1 Do we seal this part? It doesn't reveal what the
2 information is.

3 MR. CANNICK: I don't think so.

4 THE COURT: I don't think we have to seal it.

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6 (End of sidebar conference.)

7 (Continued on the following page.)

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1 (In open court - jury not present.)

2 THE COURT: The record should just reflect that I
3 have gone through the exhibit, which contains medical records,
4 but I think it is fair to say that a majority of the pages
5 have huge redacted sections, which relates to information
6 about which the doctor did not testify.

7 I've also directed the Government to remove one
8 section that, again, there is nothing particularly noteworthy
9 about it except that it doesn't pertain to the case except a
10 portion that references the chain to the electronic medical
11 records. So everything else is really what the doctor
12 testified to.

13 If there's something else that I have missed in
14 those records, you can let me know the jury won't -- well,
15 you're going to release them. Just double-check to make sure
16 there is nothing else other than those things that we have
17 discussed and then I think they're in shape to release to
18 whichever outlet requested them.

19 All right. Anything else?

20 MR. SCHOLAR: No, Your Honor.

21 THE COURT: All right.

22 I know that your investigator has been coordinating
23 with witnesses and all of that. He's testifying, isn't he?
24 Maybe?

25 MR. SCHOLAR: If he does, Judge, it would be

Proceedings

4086

1 testifying about -- if he testifies, it would be just about
2 doing investigative tasks, maybe looking at locations.

3 THE COURT: It is a general rule that we don't have
4 -- witnesses aren't listening to the testimony, so I guess he
5 has been in the overflow room; is that correct?

6 MR. SCHOLAR: That's correct, Judge.

7 THE COURT: Under these circumstances, I'm not sure
8 that there is anything so terrible.

9 I mean, your investigator is also here in court and
10 testified. You don't have any objection, do you?

11 MS. GEDDES: I don't have any objection. But to the
12 extent that the investigator is going to testify about
13 photographs, we would like copies of any photographs that he
14 is going to be testifying about. And I'm not sure what
15 investigative tactics the defense investigator could testify
16 about that would not amount to either being irrelevant or
17 hearsay. So we would ask to the extent that that is going to
18 be the subject of testimony that the defense make a proffer as
19 to what tactics he intends to discuss.

20 THE COURT: Well, I take everybody at their word
21 that they are going to have relevant testimony to offer.

22 I'm assuming that he took pictures of buildings and
23 measured things.

24 MR. SCHOLAR: Judge, if he has anything that's
25 irrelevant or improper, I wouldn't call him, Judge.

1 THE COURT: I don't generally make people do
2 proffers unless there is some reason to think that the person
3 has nothing of value to say.

4 MS. GEDDES: I'm sure he could have something of
5 value to say, and to the extent that there are photos, I could
6 imagine the relevance of that.

7 I just don't know what tactics a defense
8 investigator could testify about that -- if we are talking
9 about investigative steps and he is producing materials that
10 he obtained as part of his investigation, then I assume we
11 would be provided with those materials and we would understand
12 the relevance just from that.

13 If these are investigative tactics that did not
14 result in tangible materials, I just don't understand what the
15 relevance of that would be. But perhaps that's not the
16 subject of his testimony.

17 THE COURT: I guess we will find out.

18 Which day do you think he is going to testify, if he
19 testifies?

20 MR. SCHOLAR: If he testifies, we would save him
21 probably to the end just to evaluate whether he was needed or
22 not.

23 THE COURT: All right. So that would be Wednesday,
24 you think?

25 MR. SCHOLAR: Possibly, yes.

Proceedings

4088

1 THE COURT: Anything else?

2 MS. GEDDES: No, Your Honor.

3 MR. SCHOLAR: No, Judge.

4 THE COURT: Thank you so much.

5 (Matter adjourned to September 21, 2021 at 9:30

6 a.m.)

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I N D E XWITNESSPAGE**DAWN HUGHES**

CROSS-EXAMINATION BY MR. CANNICK

3976

DHANAI RAMNARAN

DIRECT EXAMINATION BY MR. SCHOLAR

3990

CROSS EXAMINATION BY MS. CRUZ MELENDEZ

4010

LARRY HOOD

DIRECT EXAMINATION BY MR. SCHOLAR

4038

CROSS-EXAMINATION BY MS. SHIHATA

4051

E X H I B I T S

Government's Exhibits 407, 965-E, 830,

922-A, 922-B, 933, 703, 1018, 831, 832, and

948-A

3986